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By John Locke

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IOHN LOCKE

TWO TREATISES OF GOVERNMENT. IN THE FORMER THE FALSE PRINCIPLES AND FOUNDATION OF SIR ROBERT FILMER AND HIS FOLLOWERS ARE DETECTED AND OVERTHROWN.

THE LATTER IS AN ESSAY CONCERNING THE TRUE ORIGINAL EXTENT AND END OF CIVIL GOVERNMENT.

PREFACE

Reader, thou haſt here the beginning and end of a diſcourſe concerning government; what fate has otherwiſe diſpoſed of the papers that ſhould have filled up the middle, and were more than all the reſt, it is not worth while to tell thee. Theſe, which remain, I hope are ſufficient to eſtabliſh the throne of our great reſtorer, our preſent King William; to make good his title, in the conſent of the people, which being the only one of all lawful governments, he has more fully and clearly, than any prince in Chriſtendom; and to juſtify to the world the people of England, whoſe love of their juſt and natural rights, with their reſolution to preſerve them, ſaved the nation when it was on the very brink of ſlavery and ruin. If theſe papers have that evidence, I flatter myſelf is to be found in them, there will be no great miſs of thoſe which are loſt, and my reader may be ſatisfied without them: for I imagine, I ſhall have neither the time, nor inclination to repeat my pains, and fill up the wanting part of my anſwer, by tracing Sir Robert again, through all the windings and obſcurities, which are to be met with in the ſeveral branches of his wonderful ſyſtem. The king, and body of the nation, have ſince ſo throughly confuted his Hypotheſis, that I ſuppoſe no body hereafter will

have either the confidence to appear againſt our common ſafety, and be again an advocate for ſlavery; or the weakneſs to be deceived with contradictions dreſſed up in a popular ſtile, and well-turned periods: for if any one will be at the pains, himſelf, in thoſe parts, which are here untouched, to ſtrip Sir Robert's diſcourſes of the flouriſh of doubtful expreſſions, and endeavour to reduce his words to direct, poſitive, intelligible propoſitions, and then compare them one with another, he will quickly be ſatisfied, there was never ſo much glib nonſenſe put together in well-ſounding Engliſh. If he think it not worth while to examine his works all thro', let him make an experiment in that part, where he treats of uſurpation; and let him try, whether he can, with all his ſkill, make Sir Robert intelligible, and conſiſtent with himſelf, or common ſenſe. I ſhould not ſpeak ſo plainly of a gentleman, long ſince paſt anſwering, had not the pulpit, of late years, publicly owned his doctrine, and made it the current divinity of the times. It is neceſſary thoſe men, who taking on them to be teachers, have ſo dangerouſly miſled others, ſhould be openly ſhewed of what authority this their Patriarch is, whom they have ſo blindly followed, that ſo they may either retract what upon ſo ill grounds they have vented, and cannot be maintained; or elſe juſtify thoſe principles which they preached up for goſpel; though they had no better an

author

author than an Engliſh courtier: for I ſhould not have writ againſt Sir Robert, or taken the pains to ſhew his miſtakes, inconſiſtencies, and want of (what he ſo much boaſts of, and pretends wholly to build on) ſcripture-proofs, were there not men amongſt us, who, by crying up his books, and eſpouſing his doctrine, ſave me from the reproach of writing againſt a dead adverſary. They have been ſo zealous in this point, that, if I have done him any wrong, I cannot hope they ſhould ſpare me. I wiſh, where they have done the truth and the public wrong, they would be as ready to redreſs it, and allow its juſt weight to this reflection, viz. that there cannot be done a greater miſchief to prince and people, than the propagating wrong notions concerning government; that ſo at laſt all times might not have reaſon to complain of the Drum Eccleſiaſtic. If any one, concerned really for truth, undertake the confutation of my Hypotheſis, I promiſe him either to recant my miſtake, upon fair conviction; or to anſwer his difficulties. But he muſt remember two things.

Firſt, That cavilling here and there, at ſome expreſſion, or little incident of my diſcourſe, is not an anſwer to my book.

Secondly, That I ſhall not take railing for arguments, nor think either of theſe worth my notice, though I ſhall always look on myſelf as bound to give ſatisfacton to any one, who ſhall appear to be conſcientiouſly

ſcrupulous

ſcrupulous in the point, and ſhall ſhew any juſt grounds for his ſcruples.

I have nothing more, but to advertiſe the reader, that Obſervations ſtands for Obſervations on Hobbs, Milton, &c. and that a bare quotation of pages always means pages of his Patriarcha, Edition 1680.

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TWO TREATISES OF GOVERNMENT

BY IOHN LOCKE

SALUS POPULI SUPREMA LEX ESTO

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The preſent Edition of this Book has not only been collated with the firſt three Editions, which were publiſhed during the Author's Life, but alſo has the Advantage of his laſt Corrections and Improvements, from a Copy delivered by him to Mr. Peter Coſte, communicated to the Editor, and now lodged in Chriſt College, Cambridge.

OF GOVERNMENT

BOOK I

Chap. I. §. 1. Slavery is ſo vile and miſerable an eſtate of man, and ſo directly oppoſite to the generous temper and courage of our nation; that it is hardly to be conceived, that an *Engliſhman*, much leſs a gentleman, ſhould plead for it. And truly I ſhould have taken Sir *Robert Filmer*'s *Patriarcha*, as any other treatiſe, which would perſuade all men, that they are ſlaves, and ought to be ſo, for ſuch another exerciſe of wit, as was his who writ the encomium of *Nero*; rather than for a ſerious diſcourſe meant in earneſt, had not the gravity of the title and epiſtle, the picture in the front of the book, and the applauſe that followed it, required me to believe, that the

author and publiſher were both in earneſt. I therefore took it into my hands with all the expectation, and read it through with all the attention due to a treatiſe that made ſuch a noiſe at its coming abroad, and cannot but confeſs my ſelf mightily ſurpriſed, that in a book, which was to provide chains for all mankind, I ſhould find nothing but a rope of ſand, uſeful perhaps to ſuch, whoſe ſkill and buſineſs it is to raiſe a duſt, and would blind the people, the better to miſlead them; but in truth not of any force to draw thoſe into bondage, who have their eyes open, and ſo much ſenſe about them, as to conſider, that chains are but an ill wearing, how much care ſoever hath been taken to file and poliſh them.

§. 2. If any one think I take too much liberty in ſpeaking ſo freely of a man, who is the great champion of abſolute power, and the idol of thoſe who worſhip it; I beſeech him to make this ſmall allowance for once, to one, who, even after the reading of Sir *Robert*'s book, cannot but think himſelf, as the laws allow him, a freeman: and I know no fault it is to do ſo, unleſs any one better ſkilled in the fate of it, than I, ſhould have it revealed to him, that this treatiſe, which has lain dormant ſo long, was, when it appeared in the world, to carry, by ſtrength of its arguments, all liberty out of it; and that from

from thenceforth our author's ſhort model was to be the pattern in the mount, and the perfect ſtandard of politics for the future. His ſyſtem lies in a little compaſs, it is no more but this,

That all government is abſolute monarchy.

And the ground he builds on, is this,

That no man is born free.

§. 3. In this laſt age a generation of men has ſprung up amongſt us, that would flatter princes with an opinion, that they have a divine right to abſolute power, let the laws by which they are conſtituted, and are to govern, and the conditions under which they enter upon their authority, be what they will, and their engagements to obſerve them never ſo well ratified by ſolemn oaths and promiſes. To make way for this doctrine, they have denied mankind a right to natural freedom; whereby they have not only, as much as in them lies, expoſed all ſubjects to the utmoſt miſery of tyranny and oppreſſion, but have alſo unſettled the titles, and ſhaken the thrones of princes: (for they too, by theſe mens ſyſtem, except only one, are all born ſlaves, and by divine right are ſubjects to *Adam*'s right heir;) as if they had deſigned to make war upon all government, and ſubvert the very foundations of human ſociety, to ſerve their preſent turn.

§. 4. However we muſt believe them upon their own bare words, when they tell us, we

are all born ſlaves, and we muſt continue ſo, there is no remedy for it; life and thraldom we enter'd into together, and can never be quit of the one, till we part with the other. Scripture or reaſon I am ſure do not any where ſay ſo, notwithſtanding the noiſe of divine right, as if divine authority hath ſubjected us to the unlimited will of another. An admirable ſtate of mankind, and that which they have not had wit enough to find out till this latter age. For, however Sir *Robert Filmer* ſeems to condemn the novelty of the contrary opinion, *Patr.* p. 3. yet I believe it will be hard for him to find any other age, or country of the world, but this, which has aſſerted monarchy to be *jure divino*. And he confeſſes, *Patr.* p. 4. That *Heyward, Blackwood, Barclay, and others, that have bravely vindicated the right of kings in moſt points*, never thought of this, *but with one conſent admitted the natural liberty and equality of mankind.*

§. 5. By whom this doctrine came at firſt to be broached, and brought in faſhion amongſt us, and what ſad effects it gave riſe to, I leave to hiſtorians to relate, or to the memory of thoſe, who were contemporaries with *Sibthorp* and *Manwering*, to recollect. My buſineſs at preſent is only to conſider what Sir *Robert Filmer*, who is allowed to have carried this argument fartheſt, and is ſuppoſed to have brought it to perfection, has ſaid in it; for

for from him every one, who would be as fashionable as *French* was at court, has learned, and runs away with this short system of politics, *viz. Men are not born free, and therefore could never have the liberty to choose either governors, or forms of government.* Princes have their power absolute, and by divine right; for slaves could never have a right to compact or consent. *Adam* was an absolute monarch, and so are all princes ever since.

CHAP. II.

Of Paternal and Regal Power.

§. 6. SIR *Robert Filmer*'s great position is, that *men are not naturally free.* This is the foundation on which his absolute monarchy stands, and from which it erects itself to an height, that its power is above every power, *caput inter nubila*, so high above all earthly and human things, that thought can scarce reach it; that promises and oaths, which tye the infinite Deity, cannot confine it. But if this foundation fails, all his fabric falls with it, and governments must be left again to the old way of being made by contrivance, and the consent of men (Ἀνθρωπίνη κτίσις) making use of their reason to unite together into society. To prove this grand position of his, he tells us, p. 12. *Men*

are born in ſubjection to their parents, and therefore cannot be free. And this authority of parents, he calls *royal authority*, p. 12, 14. *Fatherly authority*, *right of fatherhood*, p. 12, 20. One would have thought he would, in the beginning of ſuch a work as this, on which was to depend the authority of princes, and the obedience of ſubjects, have told us expreſly, what that fatherly authority is, have defined it, though not limited it, becauſe in ſome other treatiſes of his he tells us, it is unlimited, and * unlimitable; he ſhould at leaſt have given us ſuch an account of it, that we might have had an entire notion of this *fatherhood*, or *fatherly authority*, whenever it came in our way in his writings: this I expected to have found in the firſt chapter of his *Patriarcha*. But inſtead thereof, having, 1. *en paſſant*, made his obeyſance to the *arcana imperii*, p. 5. 2. made his compliment to the *rights and liberties of this, or any other nation*, p. 6. which he is going preſently to null and deſtroy; and, 3. made his leg to thoſe learned men, who did not ſee ſo far into the matter as himſelf, p. 7. he comes to fall on *Bellarmine*,

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* In grants and gifts that have their original from God or nature, as the power of the father hath, no inferior power of man can limit, nor make any law of preſcription againſt them. *Obſervations*, 158.

The ſcripture teaches, that ſupreme power was originally the father, without any limitation. *Obſervations*, 245.

larmine, p. 8. and, by a victory over him, eſtabliſhes his *fatherly authority* beyond any queſtion. *Bellarmine* being routed by his own confeſſion, p. 11. the day is clear got, and there is no more need of any forces: for having done that, I obſerve not that he ſtates the queſtion, or rallies up any arguments to make good his opinion, but rather tells us the ſtory, as he thinks fit, of this ſtrange kind of domineering phantom, called the *fatherhood*, which whoever could catch, preſently got empire, and unlimited abſolute power. He aſſures us how this *fatherhood* began in *Adam*, continued its courſe, and kept the world in order all the time of the *patriarchs* till the flood, got out of the ark with *Noah* and his ſons, made and ſupported all the kings of the earth till the captivity of the *Iſraelites* in *Egypt*, and then the poor *fatherhood* was under hatches, till *God, by giving the* Iſraelites *kings, re-eſtabliſhed the ancient and prime right of the lineal ſucceſſion in paternal government*. This is his buſineſs from p. 12. to 19. And then obviating an objection, and clearing a difficulty or two with one half reaſon, p. 23. *to confirm the natural right of regal power*, he ends the firſt chapter. I hope it is no injury to call an half quotation an half reaſon; for God ſays, *Honour thy father and mother*; but our author contents himſelf with half, leaves out *thy*

mother quite, as little ſerviceable to his purpoſe. But of that more in another place.

§. 7. I do not think our author ſo little ſkilled in the way of writing diſcourſes of this nature, nor ſo careleſs of the point in hand, that he by over-ſight commits the fault, that he himſelf, in his *Anarchy of a mixed Monarchy*, p. 239. objects to Mr. *Hunton* in theſe words: *Where firſt I charge the author, that he hath not given us any definition, or deſcription of monarchy in general; for by the rules of method he ſhould have firſt defined.* And by the like rule of method Sir *Robert* ſhould have told us, what his *fatherhood* or *fatherly authority* is, before he had told us, in whom it was to be found, and talked ſo much of it. But perhaps Sir *Robert* found, that this *fatherly authority*, this power of fathers, and of kings, for he makes them both the ſame, p. 24. would make a very odd and frightful figure, and very diſagreeing with what either children imagine of their parents, or ſubjects of their kings, if he ſhould have given us the whole draught together in that gigantic form, he had painted it in his own fancy; and therefore, like a wary phyſician, when he would have his patient ſwallow ſome harſh or *coroſive liquor*, he mingles it with a large quantity of that which may dilute it; that the ſcattered parts may go down with leſs feeling, and cauſe leſs averſion.

§. 8.

§. 8. Let us then endeavour to find what account he gives us of this *fatherly authority*, as it lies ſcattered in the ſeveral parts of his writings. And firſt, as it was veſted in *Adam*, he ſays, *Not only* Adam, *but the ſucceeding patriarchs, had, by right of fatherhood, royal authority over their children*, p. 12. *This lordſhip which* Adam *by command had over the whole world, and by right deſcending from him the patriarchs did enjoy, was as large and ample as the abſolute dominion of any monarch, which hath been ſince the creation*, p. 13. *Dominion of life and death, making war, and concluding peace*, p. 13. Adam *and the patriarchs had abſolute power of life and death*, p. 35. *Kings, in the right of parents, ſucceed to the exerciſe of ſupreme juriſdiction*, p. 19. *As kingly power is by the law of God, ſo it hath no inferior law to limit it*; Adam *was lord of all*, p. 40. *The father of a family governs by no other law, than by his own will*, p. 78. *The ſuperiority of princes is above laws*, p. 79. *The unlimited juriſdiction of kings is ſo amply deſcribed by* Samuel, p. 80. *Kings are above the laws*, p. 93. And to this purpoſe ſee a great deal more which our author delivers in *Bodin*'s words: *It is certain, that all laws, privileges, and grants of princes, have no force, but during their life; if they be not ratified by the expreſs conſent, or by ſufferance of the prince following, eſpecially privileges*, Obſervations, p. 279. *The reaſon why laws have*

been alſo made by kings, was this; when kings were either buſied with wars, or diſtracted with public cares, ſo that every private man could not have acceſs to their perſons, to learn their wills and pleaſure, then were laws of neceſſity invented, that ſo every particular ſubject might find his prince's pleaſure decyphered unto him in the tables of his laws, p. 92. *In a monarchy, the king muſt by neceſſity be above the laws,* p. 100. *A perfect kingdom is that, wherein the king rules all things according to his own will,* p. 100. *Neither common nor ſtatute laws are, or can be, any diminution of that general power, which kings have over their people by right of fatherhood,* p. 115. Adam *was the father, king, and lord over his family; a ſon, a ſubject, and a ſervant or ſlave, were one and the ſame thing at firſt. The father had power to diſpoſe or ſell his children or ſervants; whence we find, that the firſt reckoning up of goods in ſcripture, the man-ſervant and the maid-ſervant, are numbred among the poſſeſſions and ſubſtance of the owner, as other goods were,* Obſervations, Pref. *God alſo hath given to the father a right or liberty, to alien his power over his children to any other; whence we find the ſale and gift of children to have much been in uſe in the beginning of the world, when men had their ſervants for a poſſeſſion and an inheritance, as well as other goods; whereupon we find the power of caſtrating and making eunuchs much in uſe in old times,* Obſervations,

ſervations, p. 155. *Law is nothing elſe but the will of him that hath the power of the ſupreme father*, Obſervations, p. 223. *It was God's ordinance that the ſupremacy ſhould be unlimited in* Adam, *and as large as all the acts of his will; and as in him ſo in all others that have ſupreme power*, Obſervations, p. 245.

§. 9. I have been fain to trouble my reader with theſe ſeveral quotations in our author's own words, that in them might be ſeen his own deſcription of his *fatherly authority*, as it lies ſcattered up and down in his writings, which he ſuppoſes was firſt veſted in *Adam*, and by right belongs to all princes ever ſince. This *fatherly authority* then, or *right of fatherhood*, in our author's ſenſe, is a divine unalterable right of ſovereignty, whereby a father or a prince hath an abſolute, arbitrary, unlimited, and unlimitable power over the lives, liberties, and eſtates of his children and ſubjects; ſo that he may take or alienate their eſtates, ſell, caſtrate, or uſe their perſons as he pleaſes, they being all his ſlaves, and he lord or proprietor of every thing, and his unbounded will their law.

§. 10. Our author having placed ſuch a mighty power in *Adam*, and upon that ſuppoſition founded all government, and all power of princes, it is reaſonable to expect, that he ſhould have proved this with arguments clear and evident, ſuitable to the weightineſs of

the cauſe; that ſince men had nothing elſe left them, they might in ſlavery have ſuch undeniable proofs of its neceſſity, that their conſciences might be convinced, and oblige them to ſubmit peaceably to that abſolute dominion, which their governors had a right to exerciſe over them. Without this, what good could our author do, or pretend to do, by erecting ſuch an unlimited power, but flatter the natural vanity and ambition of men, too apt of itſelf to grow and encreaſe with the poſſeſſion of any power? and by perſuading thoſe, who, by the conſent of their fellow-men, are advanced to great, but limited, degrees of it, that by that part which is given them, they have a right to all, that was not ſo; and therefore may do what they pleaſe, becauſe they have authority to do more than others, and ſo tempt them to do what is neither for their own, nor the good of thoſe under their care; whereby great miſchiefs cannot but follow.

§. 11. The ſovereignty of *Adam*, being that on which, as a ſure baſis, our author builds his mighty abſolute monarchy, I expected, that in his *Patriarcha*, this his main ſuppoſition would have been proved, and eſtabliſhed with all that evidence of arguments, that ſuch a fundamental tenet required; and that this, on which the great ſtreſs of the buſineſs depends, would have been made out with reaſons ſufficient to juſtify the confidence

with

with which it was aſſumed. But in all that treatiſe, I could find very little tending that way; the thing is there ſo taken for granted, without proof, that I could ſcarce believe myſelf, when, upon attentive reading that treatiſe, I found there ſo mighty a ſtructure raiſed upon the bare ſuppoſition of this foundation: for it is ſcarce credible, that in a diſcourſe, where he pretends to confute the *erroneous principle* of man's *natural freedom*, he ſhould do it by a bare ſuppoſition of *Adam*'s *authority*, without offering any proof for that authority. Indeed he confidently ſays, that *Adam had royal authority*, p. 12, and 13. *Abſolute lordſhip and dominion of life and death*, p. 13. *An univerſal monarchy*, p. 33. *Abſolute power of life and death*, p. 35. He is very frequent in ſuch aſſertions; but, what is ſtrange, in all his whole *Patriarcha* I find not one pretence of a reaſon to eſtabliſh this his great foundation of government; not any thing that looks like an argument, but theſe words: *To confirm this natural right of regal power, we find in the Decalogue, that the law which enjoyns obedience to kings, is delivered in the terms, Honour thy father, as if all power were originally in the father.* And why may I not add as well, that in the *Decalogue*, the law that enjoyns obedience to queens, is delivered in the terms of *Honour thy mother*, as if all power were originally in the mother? The

argument,

argument, as Sir *Robert* puts it, will hold as well for one as the other: but of this, more in its due place.

§. 12. All that I take notice of here, is, that this is all our author ſays in this firſt, or any of the following chapters, to prove the *abſolute power of Adam*, which is his great principle: and yet, as if he had there ſettled it upon ſure demonſtration, he begins his ſecond chapter with theſe words, *By conferring theſe proofs and reaſons, drawn from the authority of the ſcripture.* Where thoſe proofs and reaſons for *Adam*'s ſovereignty are, bating that of *Honour thy father*, above mentioned, I confeſs, I cannot find; unleſs what he ſays, p. 11. *In theſe words we have an evident confeſſion*, viz. *of* Bellarmine, *that creation made man prince of his poſterity*, muſt be taken for proofs and reaſons drawn from ſcripture, or for any ſort of proof at all: though from thence by a new way of inference, in the words immediately following, he concludes, *the royal authority of Adam* ſufficiently ſettled in him.

§. 13. If he has in that chapter, or any where in the whole treatiſe, given any other proofs of *Adam*'s *royal authority*, other than by often repeating it, which, among ſome men, goes for argument, I deſire any body for him to ſhew me the place and page, that I may be convinced of my miſtake, and acknowledge my overſight. If no ſuch arguments

ments are to be found, I beſeech thoſe men, who have ſo much cried up this book, to conſider, whether they do not give the world cauſe to ſuſpect, that it is not the force of reaſon and argument, that makes them for abſolute monarchy, but ſome other by intereſt, and therefore are reſolved to applaud any author, that writes in favour of this doctrine, whether he ſupport it with reaſon or no. But I hope they do not expect, that rational and indifferent men ſhould be brought over to their opinion, becauſe this their great doctor of it, in a diſcourſe made on purpoſe, to ſet up the *abſolute monarchical power of Adam*, in oppoſition to the *natural freedom* of mankind, has ſaid ſo little to prove it, from whence it is rather naturally to be concluded, that there is little to be ſaid.

§. 14. But that I might omit no care to inform myſelf in our author's full ſenſe, I conſulted his *Obſervations on Ariſtotle, Hobbes, &c.* to ſee whether in diſputing with others he made uſe of any arguments for this his darling tenet of *Adam's ſovereignty*; ſince in his treatiſe of the *Natural Power of Kings*, he hath been ſo ſparing of them. In his Obſervations on Mr. *Hobbes's Leviathan*, I think he has put, in ſhort, all thoſe arguments for it together, which in his writings I find him any where to make uſe of: his words are theſe: *If God created only* Adam, *and of a piece of him made the woman, and if by generation*

ration from them two, as parts of them, all mankind be propagated: if alſo God *gave to* Adam *not only the dominion over the woman and the children that ſhould iſſue from them, but alſo over all the earth to ſubdue it, and over all the creatures on it, ſo that as long as* Adam *lived, no man could claim or enjoy any thing but by donation, aſſignation or permiſſion from him, I wonder,* &c. Obſervations, 165. Here we have the ſum of all his arguments, for *Adam's ſovereignty*, and againſt *natural freedom*, which I find up and down in his other treatiſes: and they are theſe following; *God's creation of Adam*, the *dominion* he gave him *over Eve*, and the *dominion* he had as *father over his children*: all which I ſhall particularly conſider.

CHAP. III.

Of Adam's *Title to Sovereignty by Creation.*

§. 15. SIR *Robert*, in his preface to his Obſervations on *Ariſtotle*'s politics, tells us, *A natural freedom of mankind cannot be ſuppoſed without the denial of the creation of* Adam: but how *Adam*'s being created, which was nothing but his receiving a being immediately from omnipotence and the hand of God, gave *Adam* a *ſovereignty* over any thing, I cannot ſee, nor conſequently underſtand, how a *ſuppoſition of natural freedom is*

a denial of Adam's *creation*, and would be glad any body elſe (ſince our author did not vouchſafe us the favour) would make it out for him: for I find no difficulty to ſuppoſe the *freedom of mankind*, though I have always believed the *creation of Adam*. He was created, or began to exiſt, by God's immediate power, without the intervention of parents or the pre-exiſtence of any of the ſame ſpecies to beget him, when it pleaſed God he ſhould; and ſo did the lion, the king of beaſts, before him, by the ſame creating power of God: and if bare exiſtence by that power, and in that way, will give dominion, without any more ado, our author, by this argument, will make the lion have as good a title to it, as he, and certainly the antienter. No! for *Adam* had his title *by the appointment of God*, ſays our author in another place. Then bare *creation* gave him not dominion, and one might have *ſuppoſed mankind free* without *the denying the creation of Adam*, ſince it was God's *appointment* made him monarch.

§. 16. But let us ſee, how he puts his *creation* and this *appointment* together. *By the appointment of God*, ſays Sir *Robert*, *as ſoon as* Adam *was created, he was monarch of the world, though he had no ſubjects; for though there could not be actual government till there were ſubjects, yet by the right of nature it was due to* Adam *to be governor of his poſterity:*

 though

though not in act, yet at leaſt in habit, Adam *was a king from his creation.* I wiſh he had told us here, what he meant *by God's appointment:* for whatſoever providence orders, or the law of nature directs, or poſitive revelation declares, may be ſaid to be *by God's appointment:* but I ſuppoſe it cannot be meant here in the firſt ſenſe, *i. e.* by providence; becauſe that would be to ſay no more, but that *as ſoon as* Adam *was created* he was *de facto* monarch, becauſe *by right of nature it was due to* Adam, *to be governor of his poſterity.* But he could not *de facto* be by providence conſtituted the governor of the world, at a time when there was actually no government, no ſubjects to be governed, which our author here confeſſes. *Monarch of the world* is alſo differently uſed by our author; for ſometimes he means by it a proprietor of all the world excluſive of the reſt of mankind, and thus he does in the ſame page of his preface before cited: *Adam*, ſays he, *being commanded to multiply and people the earth, and to ſubdue it, and having dominion given him over all creatures, was thereby the monarch of the whole world; none of his poſterity had any right to poſſeſs any thing but by his grant or permiſſion, or by ſucceſſion from him.* 2. Let us underſtand then by *monarch* proprietor *of the world*, and by *appointment* God's actual donation, and revealed poſitive grant made to *Adam*, i. Gen. 28. as we ſee Sir

Robert

Robert himſelf does in this parallel place, and then his argument will ſtand thus, *by the poſitive grant of God: as ſoon as* Adam was *created, he was proprietor of the world, becauſe by the right of nature it was due to* Adam *to be governor of his poſterity*. In which way of arguing there are two manifeſt falſehoods. *Firſt*, It is falſe, that God made that grant to *Adam*, as ſoon as he was created, ſince, tho' it ſtands in the text immediately after his creation, yet it is plain it could not be ſpoken to *Adam*, till after *Eve* was made and brought to him: and how then could he be *monarch by appointment as ſoon as created*, eſpecially ſince he calls, if I miſtake not, that which God ſays to *Eve*, iii. Gen. 16, *the original grant of government*, which not being till after the fall, when *Adam* was ſomewhat, at leaſt in time, and very much diſtant in condition, from his *creation*, I cannot ſee, how our author can ſay in this ſenſe, that *by God's appointment, as ſoon as* Adam *was created, he was monarch of the world*. *Secondly*, were it true that God's actual donation *appointed* Adam *monarch of the world as ſoon as he was created*, yet the reaſon here given for it would not prove it; but it would always be a falſe inference, that God, by a poſitive donation, *appointed* Adam *monarch of the world, becauſe by right of nature it was due to* Adam *to be governor of his poſterity*: for having given him the right of government by nature, there was no need of a poſitive

donation; at leaſt it will never be a proof of ſuch a donation.

§. 17. On the other ſide the matter will not be much mended, if we underſtand *by God's appointment* the law of nature, (though it be a pretty harſh expreſſion for it in this place) and *by monarch of the world*, ſovereign ruler of mankind: for then the ſentence under conſideration muſt run thus: *By the law of nature, as ſoon as* Adam *was created he was governor of mankind, for by right of nature it was due to* Adam *to be governor of his poſterity*; which amounts to this, he was *governor by right of nature*, becauſe he was *governor by right of nature*: but ſuppoſing we ſhould grant, that a man is *by nature governor* of his children, *Adam* could not hereby *be monarch as ſoon as created*: for this right of nature being founded in his being their father, how *Adam* could have a natural right to be governor, before he was a father, when by being a father only he had that *right*, is, methinks, hard to conceive, unleſs he will have him to be a father before he was a father, and to have a title before he had it.

§. 18. To this foreſeen objection, our author anſwers very logically, *he was governor in habit, and not in act*: a very pretty way of being a governor without government, a father without children, and a king without ſubjects. And thus Sir *Robert* was an author before he writ his book; not *in act* it is true, but in *habit*; for when he had once publiſhed it,

it, it was due to him *by the right of nature*, to be an author, as much as it was *to Adam to be governor of his children*, when he had begot them: and if to be ſuch a *monarch of the world*, an abſolute monarch *in habit, but not in act*, will ſerve the turn, I ſhould not much envy it to any of Sir *Robert*'s friends, that he thought fit graciouſly to beſtow it upon, though even this of *act* and *habit*, if it ſignified any thing but our author's ſkill in diſtinctions, be not to his purpoſe in this place. For the queſtion is not here about *Adam*'s actual exerciſe of government, but actually having a title to be governor. Government, ſays our author, was *due* to Adam *by the right of nature*: what is this right of nature? A right fathers have over their children by begetting them; *generatione jus acquiritur parentibus in liberos*, ſays our author out of *Grotius, Obſervations*, 223. The right then follows the begetting as ariſing from it; ſo that, according to this way of reaſoning or diſtinguiſhing of our author, *Adam*, as ſoon as he was created, had a title *only in habit, and not in act*, which in plain *Engliſh* is, he had actually no title at all.

§. 19. To ſpeak leſs learnedly, and more intelligibly, one may ſay of *Adam*, he was in a poſſibility of being *governor*, ſince it was poſſible he might beget children, and thereby acquire that right of nature, be it what it will, to govern them, that accrues from

thence: but what connection has this with *Adam*'s *creation*, to make him ſay, that *as ſoon as he was created, he was monarch of the world?* for it may be as well ſaid of *Noah*, that as ſoon as he was born, he was monarch of the world, ſince he was in poſſibility (which in our author's ſenſe is enough to make a monarch, *a monarch in habit,)* to outlive all mankind, but his own poſterity. What ſuch neceſſary connection there is betwixt *Adam*'s *creation* and his *right to government*, ſo that a *natural freedom of mankind cannot be ſuppoſed without the denial of the creation of* Adam, I confeſs for my part I do not ſee; nor how thoſe words, *by the appointment, &c.* Obſervations, 254. how ever explained, can be put together, to make any tolerable ſenſe, at leaſt to eſtabliſh this poſition, with which they end, *viz. Adam was a king from his creation*; a king, ſays our author, *not in act, but in habit, i. e.* actually no king at all.

§. 20. I fear I have tired my reader's patience, by dwelling longer on this paſſage, than the weightineſs of any argument in it ſeems to require: but I have unavoidably been engaged in it by our author's way of writing, who, hudling ſeveral ſuppoſitions together, and that in doubtful and general terms, makes ſuch a medly and confuſion, that it is impoſſible to ſhew his miſtakes, without examining the ſeveral ſenſes wherein his

his words may be taken, and without ſeeing how, in any of theſe various meanings, they will conſiſt together, and have any truth in them: for in this preſent paſſage before us, how can any one argue againſt this poſition of his, that *Adam was a king from his creation*, unleſs one examine, whether the words, *from his creation*, be to be taken, as they may, for the time of the commencement of his government, as the foregoing words import, *as ſoon as he was created he was monarch*; or, for the cauſe of it, as he ſays, p. 11. *creation made man prince of his poſterity?* how farther can one judge of the truth of his being thus king, till one has examined whether king be to be taken, as the words in the beginning of this paſſage would perſuade, on ſuppoſition of his *private dominion*, which was, by God's poſitive grant, *monarch of the world by appointment*; or *king* on ſuppoſition of his *fatherly power* over his off-ſpring, which was by nature, *due by the right of nature*; whether, I ſay, king be to be taken in both, or one only of theſe two ſenſes, or in neither of them, but only this, that creation made him prince, in a way different from both the other? For though this aſſertion, that *Adam was king from his creation*, be true in no ſenſe, yet it ſtands here as an evident concluſion drawn from the preceding words, though in truth it be but a bare aſſertion joined to other aſſertions of the ſame kind, which confidently put to-

gether in words of undetermined and dubious meaning, look like a ſort of arguing, when there is indeed neither proof nor connection: a way very familiar with our author: of which having given the reader a taſte here, I ſhall, as much as the argument will permit me, avoid touching on hereafter; and ſhould not have done it here, were it not to let the world ſee, how incoherences in matter, and ſuppoſitions without proofs put handſomely together in good words and a plauſible ſtile, are apt to paſs for ſtrong reaſon and good ſenſe, till they come to be looked into with attention.

CHAP. IV.

Of Adam's *Title to Sovereignty by Donation*, Gen. i. 28.

§. 21. HAVING at laſt got through the foregoing paſſage, where we have been ſo long detained, not by the force of arguments and oppoſition, but the intricacy of the words, and the doubtfulneſs of the meaning; let us go on to his next argument, for *Adam*'s ſovereignty. Our author tells us in the words of Mr. *Selden*, that *Adam by donation from God*, Gen. i. 28. *was made the general lord of all things, not without ſuch a private dominion to himſelf, as without his grant did exclude his children. This determination of Mr.* Selden, ſays our author, *is*

conſonant to the hiſtory of the Bible, *and natural reaſon*, Obſervations, 210. And in his Pref. to his Obſervations on *Ariſtotle*, he ſays thus, *The firſt government in the world was monarchical in the father of all fleſh*, Adam *being commanded to multiply and people the earth, and to ſubdue it, and having dominion given him over all creatures, was thereby the monarch of the whole world: none of his poſterity had any right to poſſeſs any thing, but by his grant or permiſſion, or by ſucceſſion from him: The earth, ſaith the* Pſalmiſt, *hath he given to the children of men, which ſhew the title comes from fatherhood.*

§. 22. Before I examine this argument, and the text on which it is founded, it is neceſſary to deſire the reader to obſerve, that our author, according to his uſual method, begins in one ſenſe, and concludes in another; he begins here with *Adam*'s propriety, or *private dominion, by donation*; and his concluſion is, *which ſhew the title comes from fatherhood.*

§. 23. But let us ſee the argument. The words of the text are theſe; *and God bleſſed them, and God ſaid unto them, be fruitful and multiply, and repleniſh the earth and ſubdue it, and have dominion over the fiſh of the ſea, and over the fowl of the air, and over every living thing that moveth upon the earth*, i. Gen. 28. from whence our author concludes, *that* Adam, *having here dominion given him over all creatures, was thereby the monarch of the*

whole

whole world: whereby muſt be meant, that either this grant of God gave *Adam* property, or as our author calls it, *private dominion* over the earth, and all inferior or irrational creatures, and ſo conſequently that he was thereby *monarch*; or 2dly, that it gave him rule and dominion over all earthly creatures whatſoever, and thereby over his children; and ſo he was *monarch*: for, as Mr. *Selden* has properly worded it, *Adam was made general lord of all things*, one may very clearly underſtand him, that he means nothing to be granted to *Adam* here but property, and therefore he ſays not one word of *Adam*'s *monarchy*. But our author ſays, *Adam was hereby monarch of the world*, which, properly ſpeaking, ſignifies ſovereign ruler of all the men in the world; and ſo *Adam*, by this grant, muſt be conſtituted ſuch a ruler. If our author means otherwiſe, he might with much clearneſs have ſaid, that *Adam was hereby proprietor of the whole world*. But he begs your pardon in that point: clear diſtinct ſpeaking not ſerving every where to his purpoſe, you muſt not expect it in him, as in Mr. *Selden*, or other ſuch writers.

§. 24. In oppoſition therefore to our author's doctrine, that *Adam was monarch of the whole world*, founded on this place, I ſhall ſhew,

1. That by this grant, i. *Gen.* 28. God gave no immediate power to *Adam* over men,

over

over his children, over thoſe of his own ſpecies; and ſo he was not made ruler, or *monarch*, by this charter.

2. That by this grant God gave him not *private dominion* over the inferior creatures, but right in common with all mankind; ſo neither was he *monarch*, upon the account of the property here given him.

§. 25. 1. That this donation, i. *Gen.* 28. gave *Adam* no power over men, will appear if we conſider the words of it: for ſince all poſitive grants convey no more than the expreſs words they are made in will carry, let us ſee which of them here will comprehend mankind, or *Adam*'s poſterity; and thoſe, I imagine, if any, muſt be theſe, *every living thing that moveth*: the words in *Hebrew* are, חיה הרמשת *i. e. Beſtiam Reptantem*, of which words the ſcripture itſelf is the beſt interpreter: God having created the fiſhes and fowls the 5*th* day, the beginning of the 6*th*, he creates the irrational inhabitants of the dry land, which, *v.* 24. are deſcribed in theſe words, *let the earth bring forth the living creature after his kind; cattle and creeping things, and beaſts of the earth, after his kind, and*, v. 2. *and God made the beaſts of the earth after his kind, and cattle after their kind, and every thing that creepeth on the earth after his kind*: here, in the creation of the brute inhabitants of the earth, he firſt ſpeaks of them all under one general name, of *living creatures*,

tures, and then afterwards divides them into three ranks, 1. *Cattle*, or ſuch creatures as were or might be tame, and ſo be the private poſſeſſion of particular men; 2. חיה which, *ver.* 24, and 25. in our Bible, is tranſlated beaſts, and by the *Septuagint* θηρία, *wild beaſts*, and is the ſame word, that here in our text, *ver.* 28. where we have this great charter to *Adam*, is tranſlated *living thing*, and is alſo the ſame word uſed, *Gen.* ix. 2. where this grant is renewed to *Noah*, and there likewiſe tranſlated *beaſt*. 3. The third rank were the creeping animals, which *ver.* 24, and 25. are compriſed under the word, רמשת, the ſame that is uſed here, *ver.* 28. and is tranſlated *moving*, but in the former verſes *creeping*, and by the *Septuagint* in all theſe places, ἑρπετά, or reptils; from whence it appears, that the words which we tranſlate here in God's donation, *ver.* 28. *living creatures moving*, are the ſame, which in the hiſtory of the creation, *ver.* 24, 25. ſignify two ranks of terreſtrial creatures, *viz.* *wild beaſts* and *reptils*, and are ſo underſtood by the *Septuagint*.

§. 26. When God had made the irrational animals of the world, divided into three kinds, from the places of their habitation, *viz.* *fiſhes of the ſea*, *fowls of the air*, and living creatures of the earth, and theſe again into *cattle*, *wild beaſts*, and *reptils*, he conſiders of making man, and the dominion he ſhould have over the terreſtrial world, *ver.* 26. and

then

then he reckons up the inhabitants of these three kingdoms, but in the terrestrial leaves out the second rank חיה or wild beasts: but here, *ver.* 28. where he actually exercises this design, and gives him this dominion, the text mentions *the fishes of the sea, and fowls of the air*, and the *terrestrial creatures* in the words that signify the *wild beasts* and *reptils*, though translated *living thing that moveth*, leaving out cattle. In both which places, though the word that signifies *wild beasts* be omitted in one, and that which signifies *cattle* in the other, yet, since God certainly executed in one place, what he declares he designed in the other, we cannot but understand the same in both places, and have here only an account, how the terrestrial irrational animals, which were already created and reckoned up at their creation, in three distinct ranks *of cattle*, *wild beasts*, and *reptils*, were here, *ver.* 28. actually put under the dominion of man, as they were designed, *ver.* 26. nor do these words contain in them the least appearance of any thing that can be wrested to signify God's giving to one man dominion over another, to *Adam* over his posterity.

§. 27. And this further appears from *Gen.* ix. 2. where God renewing this charter to *Noah* and his sons, he gives them dominion over the *fowls of the air, and the fishes of the sea, and the terrestrial creatures*, expressed by חיה

חיה and דרמש wild beaſts and reptils, the ſame words that in the text before us, i. *Gen.* 28. are tranſlated *every moving thing, that moveth on the earth,* which by no means can comprehend man, the grant being made to *Noah* and his ſons, all the men then living, and not to one part of men over another: which is yet more evident from the very next words, *ver.* 3. where God gives every רמש *every moving thing*, the very words uſed, *ch.* i. 28. to them for food. By all which it is plain that God's donation to *Adam*, *ch.* i. 28. and his deſignation, *ver.* 26. and his grant again to *Noah* and his ſons, refer to and contain in them neither more nor leſs than the works of the creation the 5th day, and the beginning of the 6th, as they are ſet down from the 20th to 26th *ver.* incluſively of the 1ſt *ch.* and ſo comprehend all the ſpecies of irrational animals of the *terraqueous globe*, tho' all the words, whereby they are expreſſed in the hiſtory of their creation, are no where uſed in any of the following grants, but ſome of them omitted in one, and ſome in another. From whence I think it is paſt all doubt, that man cannot be comprehended in this grant, nor any dominion over thoſe of his own ſpecies be conveyed to *Adam*. All the terreſtrial irrational creatures are enumerated at their creation, *ver.* 25. under the names *beaſts of the earth, cattle and creeping things*; but man,

being

being not then created, was not contained under any of thoſe names; and therefore, whether we underſtand the *Hebrew* words right or no, they cannot be ſuppoſed to comprehend man, in the very ſame hiſtory, and the very next verſes following, eſpecially ſince that *Hebrew* word רמש which, if any in this donation to *Adam*, *ch.* i. 28. muſt comprehend man, is ſo plainly uſed in contradiſtinction to him, as *Gen.* vi. 20. vii. 14, 21, 23. *Gen.* viii. 17, 19. And if God made all mankind ſlaves to *Adam* and his heirs by giving *Adam* dominion over *every living thing that moveth on the earth*, ch. i. 28. as our author would have it, methinks Sir *Robert* ſhould have carried his monarchical power one ſtep higher, and ſatisfied the world, that princes might eat their ſubjects too, ſince God gave as full power to *Noah* and his heirs, *ch.* ix. 2. to eat *every living thing that moveth*, as he did to *Adam* to have dominion over them, the *Hebrew* words in both places being the ſame.

§. 28. *David*, who might be ſuppoſed to underſtand the donation of God in this text, and the right of kings too, as well as our author in his comment on this place, as the learned and judicious *Ainſworth* calls it, in the 8th *Pſalm*, finds here no ſuch charter of monarchical power, his words are, *Thou haſt made him*, i. e. man, the Son of man, *a little lower than the angels; thou madeſt him to have dominion over the works of thy hands; thou haſt put all things*

things under his feet, all ſheep and oxen, and the beaſts of the field, and the fowls of the air, and fiſh of the ſea, and whatſoever paſſeth thro' the paths of the ſea. In which words, if any one can find out, that there is meant any monarchical power of one man over another, but only the dominion of the whole ſpecies of mankind, over the inferior ſpecies of creatures, he may, for aught I know, deſerve to be one of Sir *Robert*'s *monarchs in habit*, for the rareneſs of the diſcovery. And by this time, I hope it is evident, that he that gave *dominion over every living thing that moveth on the earth*, gave *Adam* no monarchical power over thoſe of his own ſpecies, which will yet appear more fully in the next thing I am to ſhew.

§. 29. 2. Whatever God gave by the words of this grant, i. *Gen.* 28. it was not to *Adam* in particular, excluſive of all other men: whatever *dominion* he had thereby, it was not a *private dominion*, but a dominion in common with the reſt of mankind. That this donation was not made in particular to *Adam*, appears evidently from the words of the text, it being made to more than one; for it was ſpoken in the plural number, God bleſſed *them*, and ſaid unto *them*, Have dominion. God ſays unto *Adam* and *Eve*, Have dominion; *thereby*, ſays our author, *Adam was monarch of the world*: but the grant being to them, i. e. ſpoke to *Eve* alſo, as many interpreters

interpreters think with reaſon, that theſe words were not ſpoken till *Adam* had his wife, muſt not ſhe thereby be lady, as well as he lord of the world? If it be ſaid, that *Eve* was ſubjected to *Adam*, it ſeems ſhe was not ſo ſubjected to him, as to hinder her *dominion* over the creatures, or *property* in them: for ſhall we ſay that God ever made a joint grant to two, and one only was to have the benefit of it?

§. 30. But perhaps it will be ſaid, *Eve* was not made till afterward: grant it ſo, what advantage will our author get by it? The text will be only the more directly againſt him, and ſhew that God, in this donation, gave the world to mankind in common, and not to *Adam* in particular. The word *them* in the text muſt include the ſpecies of man, for it is certain *them* can by no means ſignify *Adam* alone. In the 26th verſe, where God declares his intention to give this dominion, it is plain he meant, that he would make a ſpecies of creatures, that ſhould have dominion over the other ſpecies of this terreſtrial globe: the words are, *And God ſaid, Let us make man in our image, after our likeneſs, and let them have dominion over the fiſh*, &c. *They* then were to have dominion. Who? even thoſe who were to have the *image* of God, the individuals of that ſpecies of *man*, that he was going to make; for that *them* ſhould ſignify *Adam*

ſingly, excluſive of the reſt that ſhould be in the world with him, is againſt both ſcripture and all reaſon: and it cannot poſſibly be made ſenſe, if *man* in the former part of the *verſe* do not ſignify the ſame with *them* in the latter; only *man* there, as is uſual, is taken for the ſpecies, and *them* the individuals of that ſpecies: and we have a reaſon in the very text. God makes him *in his own image, after his own likeneſs*; makes him an intellectual creature, and ſo capable of *dominion*: for wherein ſoever elſe the *image of God* conſiſted, the intellectual nature was certainly a part of it, and belonged to the whole ſpecies, and enabled them to have *dominion* over the inferior creatures; and therefore *David* ſays in the 8th *Pſalm* above cited, *Thou haſt made him little lower than the angels, thou haſt made him to have dominion.* It is not of *Adam* king *David* ſpeaks here, for *verſe* 4. it is plain, it is of *man, and the ſon of man,* of the ſpecies of mankind.

§. 31. And that this grant ſpoken to *Adam* was made to him, and the whole ſpecies of man, is clear from our author's own proof out of the *Pſalmiſt*. *The earth,* ſaith the Pſalmiſt, *hath he given to the children of men; which ſhews the title comes from fatherhood.* Theſe are Sir *Robert*'s words in the preface before cited, and a ſtrange inference it is he makes; *God hath given the earth to the children of men,* ergo *the title comes from fatherhood.* It is pity

pity the propriety of the *Hebrew* tongue had not uſed *fathers of men*, inſtead of *children of men*, to expreſs mankind: then indeed our author might have had the countenance of the ſound of the words, to have placed the *title* in the *fatherhood*. But to conclude, that the *fatherhood* had the right to the earth, becauſe God gave it *to the children of men*, is a way of arguing peculiar to our author: and a man muſt have a great mind to go contrary to the ſound as well as ſenſe of the words, before he could light on it. But the ſenſe is yet harder, and more remote from our author's purpoſe: for as it ſtands in his preface, it is to prove *Adam*'s being monarch, and his reaſoning is thus, *God gave the earth to the children of men*, ergo *Adam was monarch of the world*. I defy any man to make a more pleaſant concluſion than this, which cannot be excuſed from the moſt obvious abſurdity, till it can be ſhewn, that *by children of men*, he who had no father, *Adam* alone is ſignified; but whatever our author does, the ſcripture ſpeaks not nonſenſe.

§. 32. To maintain this *property and private dominion of* Adam, our author labours in the following page to deſtroy the community granted to *Noah* and his ſons, in that parallel place, ix. *Gen.* 1, 2, 3. and he endeavours to do it two ways.

1. Sir *Robert* would perſuade us againſt the expreſs words of the ſcripture, that what

was here granted to *Noah*, was not granted to his ſons in common with him. His words are, *As for the general community between* Noah *and his ſons, which Mr.* Selden *will have to be granted to them,* ix. Gen. 2. *the text doth not warrant it.* What *warrant* our author would have, when the plain expreſs words of ſcripture, not capable of another meaning, will not ſatisfy him, who pretends to build wholly on ſcripture, is not eaſy to imagine. The text ſays, *God bleſſed* Noah *and his ſons, and ſaid unto them,* i. e. as our author would have it, *unto him: for,* ſaith he, *although the ſons are there mentioned with* Noah *in the bleſſing, yet it may beſt be underſtood, with a ſubordination or benediction in ſucceſſion,* Obſervations, 211. That indeed is *beſt,* for our author to be underſtood, which beſt ſerves to his purpoſe; but that truly *may beſt be underſtood* by any body elſe, which beſt agrees with the plain conſtruction of the words, and ariſes from the obvious meaning of the place; and then with *ſubordination* and *in ſucceſſion,* will not *be beſt underſtood,* in a grant of God, where he himſelf put them not, nor mentions any ſuch limitation. But yet, our author has reaſons, why it *may beſt be underſtood ſo. The bleſſing,* ſays he in the following words, *might truly be fulfilled, if the ſons, either under or after their father, enjoyed a private dominion,* Obſervations, 211. which is to ſay, that a grant, whoſe expreſs words give a joint title in

in preſent (for the text ſays, into your hands they are delivered) *may beſt be underſtood with a ſubordination* or in *ſucceſſion*; becauſe it is poſſible, that in *ſubordination*, or in *ſucceſſion*, it may be enjoyed. Which is all one as to ſay, that a grant of any thing in preſent poſſeſſion *may beſt be underſtood* of reverſion; becauſe it is poſſible one may live to enjoy it in reverſion. If the grant be indeed to a father and to his ſons after him, who is ſo kind as to let his children enjoy it preſently in common with him, one may truly ſay, as to the event one will be as good as the other; but it can never be true, that what the expreſs words grant in poſſeſſion, and in common, *may beſt be underſtood*, to be in reverſion. The ſum of all his reaſoning amounts to this: God did not give to the ſons of *Noah* the world in common with their father, becauſe it was poſſible they might enjoy it under, or after him. A very good ſort of argument againſt an expreſs text of ſcripture: but God muſt not be believed, though he ſpeaks it himſelf, when he ſays he does any thing, which will not conſiſt with Sir *Robert*'s hypotheſis.

§. 33. For it is plain, however he would exclude them, that part of this *benediction*, as he would have it in *ſucceſſion*, muſt needs be meant to the ſons, and not to *Noah* himſelf at all: *Be fruitful, and multiply, and repleniſh the earth*, ſays God, in this bleſſing. This part of the benediction, as appears by the ſequel, con-

cerned not *Noah* himſelf at all; for we read not of any children he had after the flood; and in the following chapter, where his poſterity is reckoned up, there is no mention of any; and ſo this *benediction in ſucceſſion* was not to take place till 350 years after: and to ſave our author's imaginary *monarchy*, the peopling of the world muſt be deferred 350 years; for this part of the benediction cannot be underſtood with *ſubordination*, unleſs our author will ſay, that they muſt aſk leave of their father *Noah* to lie with their wives. But in this one point our author is conſtant to himſelf in all his diſcourſes, he takes great care there ſhould be monarchs in the world, but very little that there ſhould be people; and indeed his way of government is not the way to people the world: for how much abſolute monarchy helps to fulfil this great and primary bleſſing of God Almighty, *Be fruitful, and multiply, and repleniſh the earth*, which contains in it the improvement too of arts and ſciences, and the conveniences of life, may be ſeen in thoſe large and rich countries which are happy under the *Turkiſh* government, where are not now to be found one third, nay in many, if not moſt parts of them one thirtieth, perhaps I might ſay not one hundredth of the people, that were formerly, as will eaſily appear to any one, who will compare the accounts we have of it at

this

this time, with antient hiſtory. But this by the by.

§. 34. The other parts of this *benediction*, or *grant*, are ſo expreſſed, that they muſt needs be underſtood to belong equally to them all; as much to *Noah*'s ſons as to *Noah* himſelf, and not to his ſons *with a ſubordination*, or *in ſucceſſion*. *The fear of you, and the dread of you*, ſays God, *ſhall be upon every beaſt*, &c. Will any body but our author ſay, that the creatures feared and ſtood in awe of *Noah* only, and not of his ſons without his leave, or till after his death? And the following words, *into your hands they are delivered*, are they to be underſtood as our author ſays, if your father pleaſe, or they ſhall be delivered into your hands hereafter? If this be to argue from ſcripture, I know not what may not be proved by it; and I can ſcarce ſee how much this differs from that *fiction and fanſie*, or how much a ſurer foundation it will prove, than the opinions of *philoſophers and poets*, which our author ſo much condemns in his preface.

§. 35. But our author goes on to prove, that *it may beſt be underſtood with a ſubordination, or a benediction in ſucceſſion*; *for*, ſays he, *it is not probable that the private dominion which God gave to* Adam, *and by his donation, aſſignation, or ceſſion to his children, was abrogated, and a community of all things inſtituted between* Noah *and his ſons*-----Noah *was left the ſole heir of the world*; *why ſhould it be thought*

that God would disinherit him of his birth-right, and make him of all men in the world the only tenant in common with his children? Observations, 211.

§. 36. The prejudices of our own ill-grounded opinions, however by us called *probable*, cannot authorise us to understand scripture contrary to the direct and plain meaning of the words. I grant, it is not probable, that *Adam*'s *private dominion* was here *abrogated*: because it is more than improbable, (for it will never be proved) that ever *Adam* had any such *private dominion*: and since parallel places of scripture are most probable to make us know how they *may be best understood*, there needs but the comparing this blessing here to *Noah* and his sons after the flood, with that to *Adam* after the creation, i. *Gen.* 28. to assure any one that God gave *Adam* no such *private dominion*. It is *probable*, I confess, that *Noah* should have the same title, the same property and dominion after the flood, that *Adam* had before it: but since *private dominion* cannot consist with the blessing and grant God gave to him and his sons in common, it is a sufficient reason to conclude, that *Adam* had none, especially since in the donation made to him, there are no words that express it, or do in the least favour it; and then let my reader judge whether *it may best be understood*, when in the one place there is not one word for it, not to say what has been above proved, that the

the text itſelf proves the contrary; and in the other, the words and ſenſe are directly againſt it.

§. 37. But our author ſays, Noah *was the ſole heir of the world; why ſhould it be thought that God would diſinherit him of his birth-right? Heir*, indeed, in *England*, ſignifies the eldeſt ſon, who is by the law of *England* to have all his father's land; but where God ever appointed any ſuch *heir of the world*, our author would have done well to have ſhewed us; and how *God diſinherited him of his birth-right*, or what harm was done him if God gave his ſons a right to make uſe of a part of the earth for the ſupport of themſelves and families, when the whole was not only more than *Noah* himſelf, but infinitely more than they all could make uſe of, and the poſſeſſions of one could not at all prejudice, or, as to any uſe, ſtreighten that of the other.

§. 38. Our author probably foreſeeing he might not be very ſucceſsful in perſuading people out of their ſenſes, and, ſay what he could, men would be apt to believe the plain words of ſcripture, and think, as they ſaw, that the grant was ſpoken to *Noah* and his ſons jointly; he endeavours to inſinuate, as if this grant to *Noah* conveyed no property, no dominion; becauſe, *ſubduing the earth and dominion over the creatures are therein omitted, nor the earth once named.* And therefore, ſays he, *there is a conſiderable*

ſiderable difference between theſe two texts; the firſt bleſſing gave Adam *a dominion over the earth and all creatures; the latter allows* Noah *liberty to uſe the living creatures for food: here is no alteration or diminiſhing of his title to a property of all things, but an enlargement only of his commons,* Obſervations, 211. So that in our author's ſenſe, all that was ſaid here to *Noah* and his ſons, gave them no dominion, no property, but only *enlarged* the *commons; their commons,* I ſhould ſay, ſince God ſays, *to you are they given,* though our author ſays *his*; for as for *Noah*'s ſons, they, it ſeems, by Sir *Robert*'s appointment, during their father's life-time, were to keep faſting days.

§. 39. Any one but our author would be mightily ſuſpected to be blinded with prejudice, that in all this bleſſing to *Noah* and his ſons, could ſee nothing but *only* an enlargement of commons: for as to *dominion,* which our author thinks omitted, *the fear of you, and the dread of you,* ſays God, *ſhall be upon every beaſt,* which I ſuppoſe expreſſes the *dominion,* or ſuperiority was deſigned man over the living creatures, as fully as may be; for in that fear and dread ſeems chiefly to conſiſt what was given to *Adam* over the inferior animals; who, as abſolute a monarch as he was, could not make bold with a lark or rabbet to ſatisfy his hunger, and had the herbs but in common with the beaſts, as is plain from i *Gen.* 2, 9, and 30. In the

next

next place, it is manifeſt that in this bleſſing to *Noah* and his ſons, property is not only given in clear words, but in a larger extent than it was to *Adam*. *Into your hands they are given*, ſays God to *Noah* and his ſons; which words, if they give not property, nay, property in poſſeſſion, it will be hard to find words that can; ſince there is not a way to expreſs a man's being poſſeſſed of any thing more natural, nor more certain, than to ſay, *it is delivered into his hands*. And *ver.* 3. to ſhew, that they had then given them the utmoſt property man is capable of, which is to have a right to deſtroy any thing by uſing it; *Every moving thing that liveth*, ſaith God, *ſhall be meat for you*; which was not allowed to *Adam* in his charter. This our author calls, *a liberty of uſing them for food, and only an enlargement of commons, but no alteration of property*, Obſervations, 211. What other property man can have in the creatures, but the *liberty of uſing them*, is hard to be underſtood: ſo that if the firſt bleſſing, as our author ſays, gave Adam *dominion over the creatures*, and the bleſſing to *Noah* and his ſons, gave them *ſuch a liberty to uſe them*, as *Adam* had not; it muſt needs give them ſomething that *Adam* with all his ſovereignty wanted, ſomething that one would be apt to take for a greater property; for certainly he has no abſolute dominion over even the brutal part of the creatures; and the property he has in them

them is very narrow and ſcanty, who cannot make that uſe of them, which is permitted to another. Should any one who is abſolute lord of a country, have bidden our author *ſubdue the earth*, and given him dominion over the creatures in it, but not have permitted him to have taken a kid or a lamb out of the flock, to ſatisfy his hunger, I gueſs, he would ſcarce have thought himſelf lord or proprietor of that land, or the cattle on it; but would have found the difference between *having dominion*, which a ſhepherd may have, and having full property as an owner. So that, had it been his own *caſe*, Sir *Robert*, I believe, would have thought here was an *alteration*, nay, an enlarging of *property*; and that *Noah* and his children had by this grant, not only property given them, but ſuch a property given them in the creatures, as *Adam* had not: For however, in reſpect of one another, men may be allowed to have propriety in their diſtinct portions of the creatures; yet in reſpect of God the maker of heaven and earth, who is ſole lord and proprietor of the whole world, man's propriety in the creatures is nothing but that *liberty to uſe them*, which God has permitted; and ſo man's property may be altered and enlarged, as we ſee it was here, after the flood, when other uſes of them are allowed, which before were not. From all which I ſuppoſe it is clear, that neither *Adam*, nor

Noah, had any *private dominion*, any property in the creatures, exclusive of his posterity, as they should successively grow up into need of them, and come to be able to make use of them.

§. 40. Thus we have examined our author's argument for *Adam*'s *monarchy*, founded on the blessing pronounced, i. *Gen.* 28. Wherein I think it is impossible for any sober reader, to find any other but the setting of mankind above the other kinds of creatures, in this habitable earth of ours. It is nothing but the giving to man, the whole species of man, as the chief inhabitant, who is the image of his Maker, the dominion over the other creatures. This lies so obvious in the plain words, that any one, but our author, would have thought it necessary to have shewn, how these words, that seemed to say the quite contrary, gave *Adam monarchical absolute power* over other men, or the *sole property* in all the creatures; and methinks in a business of this moment, and that whereon he builds all that follows, he should have done something more than barely cite words, which apparently make against him; for I confess, I cannot see any thing in them, tending to *Adam's monarchy*, or *private dominion*, but quite the contrary. And I the less deplore the dulness of my apprehension herein, since I find the apostle seems to have as little notion of any such *private dominion of Adam*

as I, when he ſays, God *gives us all things richly to enjoy*, which he could not do, if it were all given away already, to Monarch *Adam*, and the monarchs his heirs and ſucceſſors. To conclude, this text is ſo far from proving *Adam* ſole proprietor, that, on the contrary, it is a confirmation of the original community of all things amongſt the ſons of men, which appearing from this donation of God, as well as other places of ſcripture, the ſovereignty of *Adam*, built upon his *private dominion*, muſt fall, not having any foundation to ſupport it.

§. 41. But yet, if after all, any one will needs have it ſo, that by this donation of God, *Adam* was made ſole proprietor of the whole earth, what will this be to his ſovereignty? and how will it appear, that *propriety* in land gives a man power over the life of another? or how will the poſſeſſion even of the whole earth, give any one a ſovereign arbitrary authority over the perſons of men? The moſt ſpecious thing to be ſaid, is, that he that is proprietor of the whole world, may deny all the reſt of mankind food, and ſo at his pleaſure ſtarve them, if they will not acknowledge his ſovereignty, and obey his will. If this were true, it would be a good argument to prove, that there never was any ſuch *property*, that God never gave any ſuch *private dominion*; ſince it is more reaſonable to think, that God, who bid mankind

kind increaſe and multiply, ſhould rather himſelf give them all a right to make uſe of the food and raiment, and other conveniences of life, the materials whereof he had ſo plentifully provided for them; than to make them depend upon the will of a man for their ſubſiſtence, who ſhould have power to deſtroy them all when he pleaſed, and who, being no better than other men, was in ſucceſſion likelier, by want and the dependence of a ſcanty fortune, to tie them to hard ſervice, than by liberal allowance of the conveniences of life to promote the great deſign of God, *increaſe* and *multiply*: he that doubts this, let him look into the abſolute monarchies of the world, and ſee what becomes of the conveniences of life, and the multitudes of people.

§. 42. But we know God hath not left one man ſo to the mercy of another, that he may ſtarve him if he pleaſe: God the Lord and Father of all has given no one of his children ſuch a property in his peculiar portion of the things of this world, but that he has given his needy brother a right to the ſurpluſage of his goods; ſo that it cannot juſtly be denied him, when his preſſing wants call for it: and therefore no man could ever have a juſt power over the life of another by right of property in land or poſſeſſions; ſince it would always be a ſin, in any man of eſtate, to let his brother periſh for want of affording him relief out of his plenty. As

juſtice

juſtice gives every man a title to the product of his honeſt induſtry, and the fair acquiſitions of his anceſtors deſcended to him; ſo *charity* gives every man a title to ſo much out of another's plenty, as will keep him from extreme want, where he has no means to ſubſiſt otherwiſe: and a man can no more juſtly make uſe of another's neceſſity, to force him to become his vaſſal, by with-holding that relief, God requires him to afford to the wants of his brother, than he that has more ſtrength can ſeize upon a weaker, maſter him to his obedience, and with a dagger at his throat offer him death or ſlavery.

§. 43. Should any one make ſo perverſe an uſe of God's bleſſings poured on him with a liberal hand; ſhould any one be cruel and uncharitable to that extremity, yet all this would not prove that propriety in land, even in this caſe, gave any authority over the perſons of men, but only that compact might; ſince the authority of the rich proprietor, and the ſubjection of the needy beggar, began not from the poſſeſſion of the Lord, but the conſent of the poor man, who preferred being his ſubject to ſtarving. And the man he thus ſubmits to, can pretend to no more power over him, than he has conſented to, upon compact. Upon this ground a man's having his ſtores filled in a time of ſcarcity, having money in his pocket, being in a veſſel at ſea, being able to ſwim, *&c.* may as well be the

the foundation of rule and dominion, as being poſſeſſor of all the land in the world; any of theſe being ſufficient to enable me to ſave a man's life, who would periſh if ſuch aſſiſtance were denied him; and any thing, by this rule, that may be an occaſion of working upon another's neceſſity, to ſave his life, or any thing dear to him, at the rate of his freedom, may be made a foundation of ſovereignty, as well as property. From all which it is clear, that though God ſhould have given *Adam private dominion*, yet that *private dominion* could give him no *ſovereignty*; but we have already ſufficiently proved, that God gave him no *private dominion*.

CHAP. V.

Of Adam's *Title to Sovereignty by the Subjection of* Eve.

§. 44. THE next place of ſcripture we find our author builds his monarchy of *Adam* on, is iii. *Gen.* 26. *And thy deſire ſhall be to thy huſband, and he ſhall rule over thee. Here we have* (ſays he) *the original grant of government*, from whence he concludes, in the following part of the page, *Obſervations*, 244. *That the ſupreme power is ſettled in the fatherhood, and limited to one kind of government, that is, to monarchy.* For let his premiſes be what they will, this is always the concluſion; let *rule*, in any text, be but once named, and preſently *abſolute mo-*

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narchy is by divine right eſtabliſhed. If any one will but carefully read our author's own reaſoning from theſe words, *Obſervations*, 244. and conſider, among other things, *the line and poſterity of* Adam, as he there brings them in, he will find ſome difficulty to make ſenſe of what he ſays; but we will allow this at preſent to his peculiar way of writing, and conſider the force of the text in hand. The words are the curſe of God upon the woman, for having been the firſt and forwardeſt in the diſobedience; and if we will conſider the occaſion of what God ſays here to our firſt parents, that he was denouncing judgment, and declaring his wrath againſt them both, for their diſobedience, we cannot ſuppoſe that this was the time, wherein God was granting *Adam* prerogatives and privileges, inveſting him with dignity and authority, elevating him to dominion and monarchy: for though, as a helper in the temptation, *Eve* was laid below him, and ſo he had accidentally a ſuperiority over her, for her greater puniſhment; yet he too had his ſhare in the fall, as well as the ſin, and was laid lower, as may be ſeen in the following verſes; and it would be hard to imagine, that God, in the ſame breath, ſhould make him univerſal *monarch* over all mankind, and a day-labourer for his life; turn him out of *paradiſe to till the ground*, *ver.* 23. and at the ſame time advance him to a throne, and all the privileges and eaſe of abſolute power.

§. 45.

§. 45. This was not a time, when *Adam* could expect any favours, any grant of privileges, from his offended Maker. If this be *the original grant of government*, as our author tells us, and *Adam* was now made monarch, whatever Sir *Robert* would have him, it is plain, God made him but a very poor monarch, such an one, as our author himself would have counted it no great privilege to be. God sets him to work for his living, and seems rather to give him a spade into his hand, to subdue the earth, than a sceptre to rule over its inhabitants. *In the sweat of thy face thou shalt eat thy bread*, says God to him, *ver.* 19. This was unavoidable, may it perhaps be answered, because he was yet without subjects, and had nobody to work for him; but afterwards, living as he did above 900 years, he might have people enough, whom he might command, to work for him; no, says God, not only whilst thou art without other help, save thy wife, but as long as thou livest, shalt thou live by thy labour, *In the sweat of thy face, shalt thou eat thy bread, till thou return unto the ground, for out of it wast thou taken, for dust thou art, and unto dust shalt thou return*, *v.* 19. It will perhaps be answered again in favour of our author, that these words are not spoken personally to *Adam*, but in him, as their representative, to all mankind, this being a curse upon mankind, because of the fall.

§. 46. God, I believe, speaks differently from men, because he speaks with more truth,

more certainty: but when he vouchſafes to ſpeak to men, I do not think he ſpeaks differently from them, in croſſing the rules of language in uſe amongſt them: this would not be to condeſcend to their capacities, when he humbles himſelf to ſpeak to them, but to loſe his deſign in ſpeaking what, thus ſpoken, they could not underſtand. And yet thus muſt we think of God, if the interpretations of ſcripture, neceſſary to maintain our author's doctrine, muſt be received for good: for by the ordinary rules of language, it will be very hard to underſtand what God ſays, if what he ſpeaks here, in the ſingular number, to *Adam*, muſt be underſtood to be ſpoken to all mankind, and what he ſays in the plural number, i. *Gen.* 26, and 28. muſt be underſtood of *Adam* alone, excluſive of all others, and what he ſays to *Noah* and his ſons jointly, muſt be underſtood to be meant to *Noah* alone, *Gen.* ix.

§. 47. Farther it is to be noted, that theſe words here of iii. *Gen.* 16. which our author calls *the original grant of government*, were not ſpoken to *Adam*, neither indeed was there any grant in them made to *Adam*, but a puniſhment laid upon *Eve*: and if we will take them as they were directed in particular to her, or in her, as their repreſentative, to all other women, they will at moſt concern the female ſex only, and import no more, but that ſubjection they ſhould ordinarily be

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in to their husbands: but there is here no more law to oblige a woman to such a subjection, if the circumstances either of her condition, or contract with her husband, should exempt her from it, than there is, that she should bring forth her children in sorrow and pain, if there could be found a remedy for it, which is also a part of the same curse upon her: for the whole verse runs thus, *Unto the woman he said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children, and thy desire shall be to thy husband, and he shall rule over thee.* It would, I think, have been a hard matter for any body, but our author, to have found out a grant of *monarchical government to Adam* in these words, which were neither spoke to, nor of him: neither will any one, I suppose, by these words, think the weaker sex, as by a law, so subjected to the curse contained in them, that it is their duty not to endeavour to avoid it. And will any one say, that *Eve*, or any other woman, sinned, if she were brought to bed without those multiplied pains God threatens her here with? or that either of our queens, *Mary* or *Elizabeth*, had they married any of their subjects, had been by this text put into a political subjection to him? or that he thereby should have had *monarchical rule* over her? God, in this text, gives not, that I see, any authority to *Adam* over *Eve*, or to men over their wives, but

only foretels what ſhould be the woman's lot, how by his providence he would order it ſo, that ſhe ſhould be ſubject to her huſband, as we ſee that generally the laws of mankind and cuſtoms of nations have ordered it ſo; and there is, I grant, a foundation in nature for it.

§. 48. Thus when God ſays of *Jacob* and *Eſau*, that *the elder ſhould ſerve the younger*, xxv. *Gen.* 23. no body ſuppoſes that God hereby made *Jacob Eſau*'s ſovereign, but foretold what ſhould *de facto* come to paſs.

But if theſe words here ſpoke to *Eve* muſt needs be underſtood as a law to bind her and all other women to ſubjection, it can be no other ſubjection than what every wife owes her huſband; and then if this be the *original grant of government* and the *foundation of monarchical power*, there will be as many monarchs as there are huſbands: if therefore theſe words give any power to *Adam*, it can be only a conjugal power, not political; the power that every huſband hath to order the things of private concernment in his family, as proprietor of the goods and land there, and to have his will take place before that of his wife in all things of their common concernment; but not a political power of life and death over her, much leſs over any body elſe.

§. 49. This I am ſure: if our author will have this text to be a *grant*, *the original grant*

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of government, political government, he ought to have proved it by ſome better arguments than by barely ſaying, that *thy deſire ſhall be unto thy huſband*, was a law whereby *Eve*, and *all that ſhould come of her*, were ſubjected to the abſolute monarchical power of *Adam* and his heirs. *Thy deſire ſhall be to thy huſband*, is too doubtful an expreſſion, of whoſe ſignification interpreters are not agreed, to build ſo confidently on, and in a matter of ſuch moment, and ſo great and general concernment: but our author, according to his way of writing, having once named the text, concludes preſently without any more ado, that the meaning is as he would have it. Let the words *rule* and *ſubject* be but found in the text or margent, and it immediately ſignifies the duty of a ſubject to his prince; the relation is changed, and though God ſays *huſband*, Sir *Robert* will have it *king*; *Adam* has preſently *abſolute monarchical power* over *Eve*, and not only over *Eve*, but *all that ſhould come of her*, though the ſcripture ſays not a word of it, nor our author a word to prove it. But *Adam* muſt for all that be an abſolute monarch, and ſo down to the end of the chapter. And here I leave my reader to conſider, whether my bare ſaying, without offering any reaſons to evince it, that this text gave not *Adam* that *abſolute monarchical power*, our author ſuppoſes, be not as ſufficient to deſtroy that power, as his bare aſ-

ſertion is to eſtabliſh it, ſince the text mentions neither *prince* nor *people*, ſpeaks nothing of *abſolute* or *monarchical power*, but the ſubjection of *Eve* to *Adam*, a wife to her huſband. And he that would trace our author ſo all through, would make a ſhort and ſufficient anſwer to the greateſt part of the grounds he proceeds on, and abundantly confute them by barely denying; it being a ſufficient anſwer to aſſertions without proof, to deny them without giving a reaſon. And therefore ſhould I have ſaid nothing but barely denied, that by this text *the ſupreme power was ſettled and founded by God himſelf, in the fatherhood, limited to monarchy, and that to* Adam's *perſon and heirs*, all which our author notably concludes from theſe words, as may be ſeen in the ſame page, *Obſervations*, 244. it had been a ſufficient anſwer: ſhould I have deſired any ſober man only to have read the text, and conſidered to whom, and on what occaſion it was ſpoken, he would no doubt have wondered how our author found out *monarchical abſolute power* in it, had he not had an exceeding good faculty to find it himſelf, where he could not ſhew it others. And thus we have examined the two places of ſcripture, all that I remember our author brings to prove *Adam*'s *ſovereignty*, that *ſupremacy*, which he ſays, *it was God's ordinance ſhould be unlimited in* Adam, *and as large as all the acts of his will*, Obſervations, 254.

254. viz. i. *Gen.* 28. and iii. *Gen.* 16. one whereof ſignifies only the ſubjection of the inferior ranks of creatures to mankind, and the other the ſubjection that is due from a wife to her huſband, both far enough from that which ſubjects owe the governors of political ſocieties.

CHAP. VI.

Of Adam's *Title to Sovereignty by Fatherhood.*

§. 50. THERE is one thing more, and then I think I have given you all that our author brings for proof of *Adam*'s ſovereignty, and that is a ſuppoſition of a natural right of dominion over his children, by being their father: and this title of *fatherhood* he is ſo pleaſed with, that you will find it brought in almoſt in every page; particularly he ſays, *not only* Adam, *but the ſucceeding patriarchs had by right of fatherhood royal authority over their children*, p. 12. And in the ſame page, *this ſubjection of children being the fountain of all regal authority*, &c. This being, as one would think by his ſo frequent mentioning it, the main baſis of all his frame, we may well expect clear and evident reaſon for it, ſince he lays it down as a poſition neceſſary to his purpoſe, that *every man that is born is ſo far from being free, that by his very birth he becomes a ſubject of him that begets*

begets him, Obſervations, 156. ſo that *Adam* being the only man created, and all ever ſince being begotten, no body has been born free. If we aſk how *Adam* comes by this power over his children, he tells us here it is by begetting them: and ſo again, *Obſervations*, 223. *this natural dominion of* Adam, ſays he, *may be proved out of* Grotius *himſelf, who teacheth, that generatione jus acquiritur parentibus in liberos.* And indeed the act of begetting being that which makes a man a father, his right of a father over his children can naturally ariſe from nothing elſe.

§. 51. *Grotius* tells us not here how far this *jus in liberos*, this power of parents over their children extends; but our author, always very clear in the point, aſſures us, it is *ſupreme power*, and like that of abſolute monarchs over their ſlaves, abſolute power of life and death. He that ſhould demand of him, how, or for what reaſon it is, that begetting a child gives the father ſuch an abſolute power over him, will find him anſwer nothing: we are to take his word for this, as well as ſeveral other things; and by that the laws of nature and the conſtitutions of government muſt ſtand or fall. Had he been an abſolute monarch, this way of talking might have ſuited well enough; *pro ratione voluntas* might have been of force in his mouth; but in the way of proof or argument is very unbecoming, and will little

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advantage his plea for abſolute monarchy. Sir *Robert* has too much leſſened a ſubject's authority to leave himſelf the hopes of eſtabliſhing any thing by his bare ſaying it; one ſlave's opinion without proof is not of weight enough to diſpoſe of the liberty and fortunes of all mankind. If all men are not, as I think they are, naturally equal, I am ſure all ſlaves are; and then I may without preſumption oppoſe my ſingle opinion to his; and be confident that my ſaying, *that begetting of children makes them not ſlaves to their fathers, as certainly* ſets all mankind free, as his affirming the contrary makes them all ſlaves. But that this poſition, which is the foundation of all their doctrine, who would have monarchy to be *jure divino*, may have all fair play, let us hear what reaſons others give for it, ſince our author offers none.

§. 52. The argument, I have heard others make uſe of, to prove that fathers, by begetting them, come by an abſolute power over their children, is this; that *fathers have a power over the lives of their children, becauſe they give them life and being*, which is the only proof it is capable of: ſince there can be no reaſon, why naturally one man ſhould have any claim or pretence of right over that in another, which was never his, which he beſtowed not, but was received from the bounty of another. 1. I anſwer, that every one who gives another any thing, has not always thereby

thereby a right to take it away again. But, 2. They who ſay the *father* gives life to his children, are ſo dazzled with the thoughts of monarchy, that they do not, as they ought, remember God, who is *the author and giver of life: it is in him alone we live, move, and have our being.* How can he be thought to give life to another, that knows not wherein his own life conſiſts? Philoſophers are at a loſs about it after their moſt diligent enquiries; and anatomiſts, after their whole lives and ſtudies ſpent in diſſections, and diligent examining the bodies of men, confeſs their ignorance in the ſtructure and uſe of many parts of man's body, and in that operation wherein life conſiſts in the whole. And doth the rude plough-man, or the more ignorant voluptuary, frame or faſhion ſuch an admirable engine as this is, and then put life and ſenſe into it? Can any man ſay, he formed the parts that are neceſſary to the life of his child? or can he ſuppoſe himſelf to give the life, and yet not know what ſubject is fit to receive it, nor what actions or organs are neceſſary for its reception or preſervation?

§. 53. To give life to that which has yet no being, is to frame and make a living creature, faſhion the parts, and mould and ſuit them to their uſes, and having proportioned and fitted them together, to put into them a living ſoul. He that could do this,

might indeed have ſome pretence to deſtroy his own workmanſhip. But is there any one ſo bold, that dares thus far arrogate to himſelf the incomprehenſible works of the almighty? Who alone did at firſt, and continues ſtill to make a living ſoul, he alone can breathe in the breath of life. If any one thinks himſelf an artiſt at this, let him number up the parts of his child's body which he hath made, tell me their uſes and operations, and when the living and rational ſoul began to inhabit this curious ſtructure, when ſenſe began, and how this engine, which he has framed, thinks and reaſons: if he made it, let him, when it is out of order, mend it, at leaſt tell wherein the defects lie. *Shall he that made the eye not ſee?* ſays the Pſalmiſt, *Pſalm* xciv. 9. See theſe men's vanities! the ſtructure of that one part is ſufficient to convince us of an all-wiſe contriver, and he has ſo viſible a claim to us as his workmanſhip, that one of the ordinary appellations of God in ſcripture is, *God our Maker, and the Lord our Maker.* And therefore though our author, for the magnifying his *fatherhood*, be pleaſed to ſay, *Obſervations*, 159. *That even the power which God himſelf exerciſeth over mankind is by right of fatherhood*, yet this fatherhood is ſuch an one as utterly excludes all pretence of title in earthly parents; for he is *king*, becauſe he is indeed maker of us all,

all, which no parents can pretend to be of their children.

§. 54. But had men ſkill and power to make their children, it is not ſo ſlight a piece of workmanſhip, that it can be imagined, they could make them without deſigning it. What father of a thouſand, when he begets a child, thinks farther than the ſatisfying his preſent appetite? God in his infinite wiſdom has put ſtrong deſires of copulation into the conſtitution of men, thereby to continue the race of mankind, which he doth moſt commonly without the intention, and often againſt the conſent and will of the begetter. And indeed thoſe who deſire and deſign children, are but the occaſions of their being, and when they deſign and wiſh to beget them, do little more towards their making, than *Deucalion* and his wife in the fable did towards the making of mankind, by throwing pebbles over their heads.

§. 55. But grant that the parents made their children, gave them life and being, and that hence there followed an abſolute power. This would give the *father* but a joint dominion with the mother over them: for no body can deny but that the woman hath an equal ſhare, if not the greater, as nouriſhing the child a long time in her own body out of her own ſubſtance: there it is faſhioned, and from her it receives the materials and principles of its conſtitution: and

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it is so hard to imagine the rational soul should presently inhabit the yet unformed embrio, as soon as the father has done his part in the act of generation, that if it must be supposed to derive any thing from the parents, it must certainly owe most to the mother. But be that as it will, the mother cannot be denied an equal share in begetting of the child, and so the absolute authority of the *father* will not arise from hence. Our author indeed is of another mind; for he says, *We know that God at the creation gave the sovereignty to the man over the woman, as being the nobler and principal agent in generation*, Observations, 172. I remember not this in my Bible; and when the place is brought where God at the *creation* gave the sovereignty to man over the woman, and that for this reason, because *he is the nobler and principal agent in generation*, it will be time enough to consider, and answer it. But it is no new thing for our author to tell us his own fancies for certain and divine truths, tho' there be often a great deal of difference between his and divine revelations; for God in the scripture says, *his father and his mother that begot him.*

§. 56. They who alledge the practice of mankind, for *exposing or selling* their children, as a proof of their power over them, are with Sir *Robert* happy arguers; and cannot but recommend their opinion, by founding

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it on the moſt ſhameful action, and moſt unnatural murder, human nature is capable of. The dens of lions and nurſeries of wolves know no ſuch cruelty as this: theſe ſavage inhabitants of the deſert obey God and nature in being tender and careful of their off-ſpring: they will hunt, watch, fight, and almoſt ſtarve for the preſervation of their young; never part with them; never forſake them, till they are able to ſhift for themſelves. And is it the privilege of man alone to act more contrary to nature than the wild and moſt untamed part of the creation? doth God forbid us under the ſevereſt penalty, that of death, to take away the life of any man, a ſtranger, and upon provocation? and does he permit us to deſtroy thoſe, he has given us the charge and care of; and by the dictates of nature and reaſon, as well as his revealed command, requires us to preſerve? He has in all the parts of the creation taken a peculiar care to propagate and continue the ſeveral ſpecies of creatures, and makes the individuals act ſo ſtrongly to this end, that they ſometimes neglect their own private good for it, and ſeem to forget that general rule, which nature teaches all things, of ſelf-preſervation; and the preſervation of their young, as the ſtrongeſt principle in them, over-rules the conſtitution of their particular natures. Thus we ſee, when their young ſtand in need of it, the timorous become valiant,

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the fierce and ſavage kind, and the ravenous tender and liberal.

§. 57. But if the example of what hath been done, be the rule of what ought to be, hiſtory would have furniſhed our author with inſtances of this *abſolute fatherly power* in its height and perfection, and he might have ſhewed us in *Peru*, people that begot children on purpoſe to fatten and eat them. The ſtory is ſo remarkable, that I cannot but ſet it down in the author's words. "In ſome "provinces, *ſays he*, they were ſo liquoriſh "after man's fleſh, that they would not have "the patience to ſtay till the breath was "out of the body, but would ſuck the blood "as it ran from the wounds of the dying "man; they had public ſhambles of man's "fleſh, and their madneſs herein was to "that degree, that they ſpared not their "own children, which they had begot on "ſtrangers taken in war: for they made "their captives their miſtreſſes, and choicely "nouriſhed the children they had by them, "till about thirteen years old they butchered "and eat them; and they ſerved the mo-"thers after the ſame faſhion, when they "grew paſt child bearing, and ceaſed to "bring them any more roaſters," *Garcilaſſo de la Vega hiſt. des Yncas de Peru*, l. i. c. 12.

§. 58. Thus far can the buſy mind of man carry him to a brutality below the level of beaſts, when he quits his reaſon, which

places him almoſt equal to angels. Nor can it be otherwiſe in a creature, whoſe thoughts are more than the ſands, and wider than the ocean, where fancy and paſſion muſt needs run him into ſtrange courſes, if reaſon, which is his only ſtar and compaſs, be not that he ſteers by. The imagination is always reſtleſs, and ſuggeſts variety of thoughts, and the will, reaſon being laid aſide, is ready for every extravagant project; and in this ſtate, he that goes fartheſt out of the way, is thought fitteſt to lead, and is ſure of moſt followers: and when faſhion hath once eſtabliſhed what folly or craft began, cuſtom makes it ſacred, and it will be thought impudence, or madneſs, to contradict or queſtion it. He that will impartially ſurvey the nations of the world, will find ſo much of their religions, governments and manners, brought in and continued amongſt them by theſe means, that he will have but little reverence for the practices which are in uſe and credit amongſt men; and will have reaſon to think, that the woods and foreſts, where the irrational untaught inhabitants keep right by following nature, are fitter to give us rules, than cities and palaces, where thoſe that call themſelves civil and rational, go out of their way, by the authority of example. If precedents are ſufficient to eſtabliſh a rule in this caſe, our author might have found in holy writ children ſacrificed by their parents, and this amongſt

amongſt the people of God themſelves: the *Pſalmiſt* tells us, *Pſal.* cvi. 38. *They ſhed innocent blood, even the blood of their ſons and of their daughters, whom they ſacrificed unto the idols of Canaan.* But God judged not of this by our author's rule, nor allowed of the authority of practice againſt his righteous law; but as it follows there, *the land was polluted with blood; therefore was the wrath of the Lord kindled againſt his people, inſomuch that he abhorred his own inheritance.* The killing of their children, though it were faſhionable, was charged on them as *innocent blood*, and ſo had in the account of God the guilt of murder, as the offering them to idols had the guilt of idolatry.

§. 59. Be it then, as Sir *Robert* ſays, that *anciently* it was uſual for men *to ſell and caſtrate their children*, Obſervations, 155. Let it be, that they expoſed them; add to it, if you pleaſe, for this is ſtill greater power, that they begat them for their tables, to fat and eat them: if this proves a right to do ſo, we may, by the ſame argument, juſtify adultery, inceſt and ſodomy, for there are examples of theſe too, both ancient and modern; ſins, which I ſuppoſe have their principal aggravation from this, that they croſs the main intention of nature, which willeth the increaſe of mankind, and the continuation of the ſpecies in the higheſt perfection, and the diſtinction of families, with

the ſecurity of the marriage bed, as neceſſary thereunto.

§. 60. In confirmation of this natural authority of the father, our author brings a lame proof from the poſitive command of God in ſcripture: his words are, *To confirm the natural right of regal power, we find in the Decalogue, that the law which enjoins obedience to kings, is delivered in the terms, Honour thy father*, p. 23. *Whereas many confeſs, that government only in the abſtract, is the ordinance of God, they are not able to prove any ſuch ordinance in the ſcripture, but only in the fatherly power; and therefore we find the commandment, that enjoins obedience to ſuperiors, given in the terms, Honour thy father; ſo that not only the power and right of government, but the form of the power governing, and the perſon having the power, are all the ordinances of God. The firſt father had not only ſimply power, but power monarchical, as he was father immediately from God*, Obſervations, 254. To the ſame purpoſe, the ſame law is cited by our author in ſeveral other places, and juſt after the ſame faſhion; that is, *and mother*, as apochryphal words, are always left out; a great argument of our author's ingenuity, and the goodneſs of his cauſe, which required in its defender zeal to a degree of warmth, able to warp the ſacred rule of the word of God, to make it comply with his preſent occaſion; a way of proceeding not unuſual

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to thoſe, who embrace not truths becauſe reaſon and revelation offer them, but eſpouſe tenets and parties for ends different from truth, and then reſolve at any rate to defend them; and ſo do with the words and ſenſe of authors, they would fit to their purpoſe, juſt as *Procruſtes* did with his gueſts, lop or ſtretch them, as may beſt fit them to the ſize of their notions: and they always prove like thoſe ſo ſerved, deformed, lame, and uſeleſs.

§. 61. For had our author ſet down this command without garbling, as God gave it, and joined *mother* to father, every reader would have ſeen, that it had made directly againſt him; and that it was ſo far from eſtabliſhing the *monarchical power of the father*, that it ſet up the *mother* equal with him, and enjoined nothing but what was due in common, to both father and mother: for that is the conſtant tenor of the ſcripture, *Honour thy father and thy mother*, Exod. xx. *He that ſmiteth his father or mother, ſhall ſurely be put to death*, xxi. 15. *He that curſeth his father or mother, ſhall ſurely be put to death*, *ver.* 17. Repeated *Lev.* xx. 9. and by our Saviour, *Matth.* xv. 4. *Ye ſhall fear every man his mother and his father*, Lev. xix. 3. *If a man have a rebellious ſon, which will not obey the voice of his father, or the voice of his mother; then ſhall his father and his mother lay hold on him, and ſay, This our ſon is ſtub-*

born and rebellious, he will not obey our voice, Deut. xxi. 18, 19, 20, 21. *Curſed be he that ſetteth light by his father or his mother,* xxviii. 16. *My ſon, hear the inſtructions of thy father, and forſake not the law of thy mother,* are the words of *Solomon,* a king who was not ignorant of what belonged to him as a father or a king; and yet he joins *father* and *mother* together, in all the inſtructions he gives children quite thro' his book of *Proverbs*. *Woe unto him, that ſayeth unto his father, What begetteſt thou, or to the woman, What haſt thou brought forth?* Iſa. xi. ver. 10. *In thee have they ſet light by father or mother,* Ezek. xxviii. 2. *And it ſhall come to paſs, that when any ſhall yet propheſy, then his father and his mother that begat him, ſhall ſay unto him, Thou ſhalt not live, and his father and his mother that begat him, ſhall thruſt him through when he propheſieth,* Zech. xiii. 3. Here not the father only, but the father and mother jointly, had power in this caſe of life and death. Thus ran the law of the Old Teſtament, and in the New they are likewiſe joined, in the obedience of their children, *Eph.* vi. 1. The rule is, *Children, obey your parents*; and I do not remember, that I any where read, *Children, obey your father,* and no more: the ſcripture joins *mother* too in that homage, which is due from children; and had there been any text, where the honour or obedience of children had been directed to the *father* alone,

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it is not likely that our author, who pretends to build all upon ſcripture, would have omitted it: nay, the ſcripture makes the authority of *father and mother*, in reſpect of thoſe they have begot, ſo equal, that in ſome places it neglects even the priority of order, which is thought due to the father, and the *mother* is put firſt, as *Lev.* xix. 3. from which ſo conſtantly joining father and mother together, as is found quite through the ſcripture, we may conclude that the honour they have a title to from their children, is one common right belonging ſo equally to them both, that neither can claim it wholly, neither can be excluded.

§. 62. One would wonder then how our author infers from the 5th commandment, that all *power was originally in the father*; how he finds *monarchical power of government ſettled and fixed by the commandment, Honour thy father and thy mother.* If all the honour due by the commandment, be it what it will, be the only right of the *father*, becauſe he, as our author ſays, *has the ſovereignty over the woman, as being the nobler and principler agent in generation*, why did God afterwards all along join the *mother* with him, to ſhare in his honour? can the father, by this ſovereignty of his, diſcharge the child from paying this honour to his *mother?* The ſcripture gave no ſuch licence to the *Jews*, and yet there were often breaches wide enough

betwixt husband and wife, even to divorce and separation: and, I think, no body will say a child may with-hold honour from his mother, or, as the scripture terms it, *set light by her*, though his father should command him to do so; no more than the mother could dispense with him for neglecting to *honour* his father: whereby it is plain, that this command of God gives the father no sovereignty, no supremacy.

§. 63. I agree with our author that the title to this *honour* is vested in the parents by nature, and is a right which accrues to them by their having begotten their children, and God by many positive declarations has confirmed it to them: I also allow our author's rule, *that in grants and gifts, that have their original from God and nature, as the power of the father*, (let me add *and mother*, for whom God hath joined together, let no man put asunder) *no inferior power of men can limit, nor make any law of prescription against them*, Observations, 158. so that the mother having, by this law of God, a right to honour from her children, which is not subject to the will of her husband, we see this *absolute monarchical power of the father* can neither be founded on it, nor consist with it; and he has a power very far from *monarchical*, very far from that absoluteness our author contends for, when another has over his subjects the same power he hath, and by the

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ſame title: and therefore he cannot forbear ſaying himſelf that *he cannot ſee how any man's children can be free from ſubjection to their parents*, p. 12. which, in common ſpeech, I think, ſignifies *mother* as well as *father*, or if *parents* here ſignifies only *father*, it is the firſt time I ever yet knew it to do ſo, and by ſuch an uſe of words one may ſay any thing.

§. 64. By our author's doctrine, the father having abſolute juriſdiction over his children, has alſo the ſame over their iſſue; and the conſequence is good, were it true, that the father had ſuch a power: and yet I aſk our author whether the grandfather, by his ſovereignty, could diſcharge the grandchild from paying to his father the honour due to him by the 5th commandment. If the grandfather hath, by *right of fatherhood*, ſole ſovereign power in him, and that obedience which is due to the ſupreme magiſtrate, be commanded in theſe words, *Honour thy father*, it is certain the grandfather might diſpenſe with the grandſon's honouring his father, which ſince it is evident in common ſenſe he cannot, it follows from hence, that *Honour thy father and mother*, cannot mean an abſolute ſubjection to a ſovereign power, but ſomething elſe. The right therefore which parents have by nature, and which is confirmed to them by the 5th commandment, cannot be that political dominion, which our

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author would derive from it: for that being in every civil ſociety ſupreme ſomewhere, can diſcharge any ſubject from any political obedience to any one of his fellow ſubjects. But what law of the magiſtrate can give a child liberty, not to *honour his father and mother?* It is an eternal law, annexed purely to the relation of parents and children, and ſo contains nothing of the magiſtrate's power in it, nor is ſubjected to it.

§. 65. Our author ſays, *God hath given to a father a right or liberty to alien his power over his children to any other*, Obſervations, 155. I doubt whether he can *alien* wholly the right of *honour* that is due from them: but be that as it will, this I am ſure, he cannot *alien*, and retain the ſame power. If therefore the magiſtrate's ſovereignty be, as our author would have it, *nothing but the authority of a ſupreme father*, p. 23. it is unavoidable, that if the magiſtrate hath all this paternal right, as he muſt have if *fatherhood* be the fountain of all authority; then the ſubjects, though fathers, can have no power over their children, no right to honour from them: for it cannot be all in another's hands, and a part remain with the parents. So that, according to our author's own doctrine, *Honour thy father and mother* cannot poſſibly be underſtood of political ſubjection and obedience; ſince the laws both in the Old and New Teſtament, that commanded

manded children to *honour and obey their parents*, were given to ſuch, whoſe fathers were under civil government, and fellow ſubjects with them in political ſocieties; and to have bid them *honour and obey their parents*, in our author's ſenſe, had been to bid them be ſubjects to thoſe who had no title to it; the right to obedience from ſubjects, being all veſted in another; and inſtead of teaching obedience, this had been to foment ſedition, by ſetting up powers that were not. If therefore this command, *Honour thy father and mother*, concern political dominion, it directly overthrows our author's monarchy; ſince it being to be paid by every child to his father, even in ſociety, every father muſt neceſſarily have political dominion, and there will be as many ſovereigns as there are fathers: beſides that the mother too hath her title, which deſtroys the ſovereignty of one ſupreme monarch. But if *Honour thy father and mother* mean ſomething diſtinct from political power, as neceſſarily it muſt, it is beſides our author's buſineſs, and ſerves nothing to his purpoſe.

§. 66. *The law that enjoins obedience to kings is delivered*, ſays our author, *in the terms, Honour thy father, as if all power were originally in the father*, Obſervations, 254: and that law is alſo delivered, ſay I, in the terms, *Honour thy mother*, as if all power were originally in the mother. I appeal whether the

the argument be not as good on one ſide as the other, *father and mother* being joined all along in the Old and New Teſtament where-ever honour or obedience is injoined children. Again our author tells us, Obſervations, 254. *that this command, Honour thy father, gives the right to govern, and makes the form of government monarchical.* To which I anſwer, that if by *Honour thy father* be meant obedience to the political power of the magiſtrate, it concerns not any duty we owe to our natural fathers, who are ſubjects; becauſe they, by our author's doctrine, are diveſted of all that power, it being placed wholly in the prince, and ſo being equally ſubjects and ſlaves with their children, can have no right, by that title, to any ſuch *honour or obedience*, as contains in it political ſubjection: if *Honour thy father and mother* ſignifies the duty we owe our natural parents, as by our Saviour's interpretation, *Matth.* xv. 4. and all the other mentioned places, it is plain it does, then it cannot concern political obedience, but a duty that is owing to perſons, who have no title to ſovereignty, nor any political authority as magiſtrates over ſubjects. For the perſon of a private father, and a title to obedience, due to the ſupreme magiſtrate, are things inconſiſtent; and therefore this command, which muſt neceſſarily comprehend the perſons of our natural fathers, muſt mean a duty we owe

them, distinct from our obedience to the magistrate, and from which the most absolute power of princes cannot absolve us. What this duty is, we shall in its due place examine.

§. 67. And thus we have at last got thro' all, that in our author looks like an argument for that *absolute unlimited sovereignty* described, sect. 8. which he supposes in *Adam*; so that mankind ever since have been all born *slaves*, without any title to freedom. But if *creation*, which gave nothing but a being, made not *Adam prince of his posterity*: if *Adam*, *Gen.* i. 28. was not constituted lord of mankind, nor had a *private dominion* given him exclusive of his children, but only a right and power over the earth, and inferiour creatures in common with the children of men; if also *Gen.* iii. 16. God gave not any political power to *Adam* over his wife and children, but only subjected *Eve* to *Adam*, as a punishment, or foretold the subjection of the weaker sex, in the ordering the common concernments of their families, but gave not thereby to *Adam*, as to the husband, power of life and death, which necessarily belongs to the magistrate: if fathers by begetting their children acquire no such power ove them; and if the command, *Honour thy father and mother*, give it not, but only enjoins a duty owing to parents equally, whether subjects or not, and to the *mother* as well as the *father*; if all this be so, as I think,

think, by what has been ſaid, is very evident; then man has a *natural freedom*, notwithſtanding all our author confidently ſays to the contrary; ſince all that ſhare in the ſame common nature, faculties and powers, are in nature equal, and ought to partake in the ſame common rights and privileges, till the manifeſt appointment of God, who is *Lord over all, bleſſed for ever*, can be produced to ſhew any particular perſon's ſupremacy; or a man's own conſent ſubjects him to a ſuperiour. This is ſo plain, that our author confeſſes, that Sir *John Hayward*, *Blackwood* and *Barclay*, *the great vindicators of the right of kings*, could not deny it, *but admit with one conſent the natural liberty and equality of mankind*, for a truth unqueſtionable. And our author hath been ſo far from producing any thing, that may make good his great poſition, *that Adam was abſolute monarch*, and ſo *men are not naturally free*, that even his own proofs make againſt him; ſo that to uſe his own way of arguing, *the firſt erroneous principle failing*, *the whole fabric of this vaſt engine of* abſolute power *and* tyranny *drops down of itſelf*, and there needs no more to be ſaid in anſwer to all that he builds upon ſo falſe and frail a foundation.

§. 68. But to ſave others the pains, were there any need, he is not ſparing himſelf to ſhew, by his own contradictions, the weakneſs of his own doctrine. *Adam*'s abſolute and

and ſole dominion is that, which he is every where full of, and all along builds on, and yet he tells us, p. 12. *that as* Adam *was lord of his children, ſo his children under him had a command and power over their own children.* The unlimited and undivided ſovereignty of *Adam*'s *fatherhood*, by our author's computation, ſtood but a little while, only during the firſt generation, but as ſoon as he had grand-children, Sir *Robert* could give but a very ill account of it. *Adam, as father of his children*, ſaith he, *hath an abſolute, unlimited royal power over them, and by virtue thereof over thoſe that they begot, and ſo to all generations*; and yet *his children*, viz. *Cain* and *Seth*, have a paternal power over their children at the ſame time; ſo that they are at the ſame time *abſolute lords*, and yet *vaſſals* and *ſlaves*; *Adam* has all the authority, as *grand-father of the people*, and they have a part of it as fathers of a part of them: he is abſolute over them and their poſterity, by having begotten them, and yet they are abſolute over their children by the ſame title. *No*, ſays our author, *Adam's children under him had power over their own children, but ſtill with ſubordination to the firſt parent.* A good diſtinction that ſounds well, and it is pity it ſignifies nothing, nor can be reconciled with our author's words. I readily grant, that ſuppoſing *Adam*'s *abſolute power* over his poſterity, any of his children might have

from him a delegated, and ſo a *ſubordinate* power over a part, or all the reſt: but that cannot be the power our author ſpeaks of here; it is not a power by grant and commiſſion, but the natural paternal power he ſuppoſes a father to have over his children. For 1. he ſays, *As* Adam *was lord of his children, ſo his children under him had a power over their own children:* they were then lords over their own children after the ſame manner, and by the ſame title, that *Adam* was, *i. e.* by right of generation, by right of *fatherhood.* 2. It is plain he means the natural power of fathers, becauſe he limits it to be only *over their own children*; a delegated power has no ſuch limitation, as only over their own children, it might be over others, as well as their own children. 3. If it were a delegated power, it muſt appear in ſcripture; but there is no ground in ſcripture to affirm, that *Adam*'s children had any other power over theirs, than what they naturally had as fathers.

§. 69. But that he means here paternal power, and no other, is paſt doubt, from the inference he makes in theſe words immediately following, *I ſee not then how the children of* Adam, *or of any man elſe, can be free from ſubjection to their parents.* Whereby it appears that the *power* on one ſide, and the *ſubjection* on the other, our author here ſpeaks of, is that *natural power* and *ſubjection* between

tween parents and children: for that which every man's children owed, could be no other; and that our author always affirms to be abſolute and unlimited. This natural *power* of parents over their children, *Adam* had over his poſterity, ſays our author; and this *power* of parents over their children, his children had over theirs in his life-time, ſays our author alſo; ſo that *Adam*, by a natural right of father, had an abſolute unlimited power over all his poſterity, and at the ſame time his children had by the ſame right abſolute unlimited power over theirs. Here then are two abſolute unlimited powers exiſting together, which I would have any body reconcile one to another, or to common ſenſe. For the *ſalvo* he has put in of *ſubordination*, makes it more abſurd: to have one *abſolute, unlimited*, nay *unlimitable power* in ſubordination to another, is ſo manifeſt a contradiction, that nothing can be more. Adam *is abſolute prince with the unlimited authority of fatherhood over all his poſterity*; all his poſterity are then abſolutely his ſubjects; and, as our author ſays, his ſlaves, children, and grand-children, are equally in this ſtate of ſubjection and ſlavery; and yet, ſays our author, *the children of* Adam *have paternal*, i. e. *abſolute unlimited power over their own children*: Which in plain *Engliſh* is, they are ſlaves and abſolute princes at the ſame time, and in the ſame government; and one

part of the ſubjects have an abſolute unlimited power over the other by the natural right of parentage.

§. 70. If any one will ſuppoſe, in favour of our author, that he here meant, that parents, who are in ſubjection themſelves to the abſolute authority of their father, have yet ſome power over their children; I confeſs he is ſomething nearer the truth: but he will not at all hereby help our author: for he no where ſpeaking of the paternal power, but as an abſolute unlimited authority, cannot be ſuppoſed to underſtand any thing elſe here, unleſs he himſelf had limited it, and ſhewed how far it reached. And that he means here paternal authority in that large extent, is plain from the immediate following words; *This ſubjection of children being*, ſays he, *the foundation of all regal authority*, p. 12. *the ſubjection* then that in the former line, he ſays, *every man is in to his parents*, and conſequently what *Adam*'s grand-children were in to their parents, was that which was the fountain of all *regal authority*, i. e. according to our author, *abſolute unlimitable authority*. And thus *Adam*'s children had *regal authority* over their children, whilſt they themſelves were ſubjects to their father, and fellow-ſubjects with their children. But let him mean as he pleaſes, it is plain he allows *Adam's children to have paternal power*, p. 12. as alſo all other fathers to have *paternal power*

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over their children, Obſervations, 156. From whence one of theſe two things will neceſſarily follow, that either *Adam*'s children, even in his life-time, had, and ſo all other fathers have, as he phraſes it, p. 12. *by right of fatherhood, royal authority over their children*, or elſe, that *Adam, by right of fatherhood, had not royal authority*. For it cannot be but that *paternal power* does, or does not, give *royal authority* to them that have it: if it does not, then *Adam* could not be ſovereign by this title, nor any body elſe; and then there is an end of all our author's politics at once: if it does give *royal authority*, then every one that has *paternal power* has *royal authority*; and then, by our author's patriarchal government, there will be as many kings as there are fathers.

§. 71. And thus what a monarchy he hath ſet up, let him and his diſciples conſider. Princes certainly will have great reaſon to thank him for theſe new politics, which ſet up as many abſolute kings in every country as there are fathers of children. And yet who can blame our author for it, it lying unavoidably in the way of one diſcourſing upon our author's principles? For having placed an *abſolute power* in *fathers by right of begetting*, he could not eaſily reſolve how much of this power belonged to a ſon over the children he had begotten; and ſo it fell out to be a very hard matter to give all the power,

as he does, to *Adam*, and yet allow a part in his life-time to his children, when they were parents, and which he knew not well how to deny them. This makes him ſo doubtful in his expreſſions, and ſo uncertain where to place this abſolute natural power, which he calls *fatherhood*. Sometimes *Adam* alone has it all, as p. 13. *Obſervations*, 244, 245. & *Pref.*

Sometimes *parents* have it, which word ſcarce ſignifies the father alone, p. 12, 19.

Sometimes *children* during their fathers life-time, as p. 12.

Sometimes *fathers* of *families*, as p. 78, and 79.

Sometimes *fathers* indefinitely, *Obſervations*, 155.

Sometimes *the heir to Adam*, Obſervations, 253.

Sometimes *the poſterity of Adam*, 244, 246.

Sometimes *prime fathers, all ſons or grandchildren of* Noah, *Obſervations*, 244.

Sometimes the *eldeſt parents*, p. 12.

Sometimes all *kings*, p. 19.

Sometimes all that have ſupreme power, *Obſervations*, 245.

Sometimes *heirs to thoſe firſt progenitors, who were at firſt the natural parents of the whole people*, p. 19.

Sometimes an elective king, p. 23.

Sometimes thoſe, whether a few or a multitude, that govern the *common-wealth*, p. 23.

Sometimes

Sometimes he that can catch it, an *uſurper*, p. 23. Obſervations, 155.

§. 72. Thus this *new nothing*, that is to carry with it all power, authority, and government; *this fatherhood*, which is to deſign the perſon, and eſtabliſh the throne of monarchs, whom the people are to obey, may, according to Sir *Robert*, come into any hands, any how, and ſo by his politics give to democracy royal authority, and make an uſurper a lawful prince. And if it will do all theſe fine feats, much good do our author and all his followers with their omnipotent *fatherhood*, which can ſerve for nothing but to unſettle and deſtroy all the lawful governments in the world, and to eſtabliſh in their room diſorder, tyranny, and uſurpation.

CHAP. VII.

Of Fatherhood and Property conſidered together as Fountains of Sovereignty.

§. 73. IN the foregoing chapters we have ſeen what *Adam*'s monarchy was, in our author's opinion, and upon what titles he founded it. The foundations which he lays the chief ſtreſs on, as thoſe from which he thinks he may beſt derive monarchical power to future princes, are two, *viz. Father-*

hood and property: and therefore the way he propoſes to *remove the abſurdities and inconveniencies of the doctrine of natural freedom*, is, *to maintain the natural and private dominion of* Adam, *Obſervations*, 222. Conformable hereunto, he tells us, the *grounds and principles of government neceſſarily depend upon the original of property*, Obſervations, 108. *The ſubjection of children to their parents is the fountain of all regal authority*, p. 12. *And all power on earth is either derived or uſurped from the fatherly power, there being no other original to be found of any power whatſoever*, Obſervations, 158. I will not ſtand here to examine how it can be ſaid without a contradiction, that the *firſt grounds and principles of government neceſſarily depend upon the original of property*, and yet, *that there is no other original of any power whatſoever, but that of the father*: it being hard to underſtand how there can be *no other original* but *fatherhood*, and yet that the *grounds and principles of government depend upon the original of property*; *property and fatherhood* being as far different as lord of a manor and father of children. Nor do I ſee how they will either of them agree with what our author ſays, *Obſervations*, 244. of God's ſentence againſt *Eve*, Gen. iii. 16. *That it is the original grant of government*: ſo that if that were the *original*, government had not its *original*, by our author's own confeſſion, either from *property* or *fatherhood*;

therhood; and this text, which he brings as a proof of *Adam*'s power over *Eve*, neceſſarily contradicts what he ſays of the *fatherhood*, that it is the *ſole fountain of all power*: for if *Adam* had any ſuch regal power over *Eve*, as our author contends for, it muſt be by ſome other title than that of begetting.

§. 74. But I leave him to reconcile theſe contradictions, as well as many others, which may plentifully be found in him by any one, who will but read him with a little attention; and ſhall come now to conſider, how theſe two originals of government, *Adam's natural and private dominion*, will conſiſt, and ſerve to make out and eſtabliſh the titles of ſucceeding monarchs, who, as our author obliges them, muſt all derive their power from theſe *fountains*. Let us then ſuppoſe *Adam* made, *by God's donation*, lord and ſole proprietor of the whole earth, in as large and ample a manner as Sir *Robert* could wiſh; let us ſuppoſe him alſo, *by right of fatherhood*, abſolute ruler over his children with an unlimited ſupremacy; I aſk then, upon *Adam*'s death what becomes of both his *natural* and *private dominion*? and I doubt not it will be anſwered, that they deſcended to his next heir, as our author tells us in ſeveral places. But this way, it is plain, cannot poſſibly convey both his *natural* and *private dominion* to the ſame perſon: for ſhould we allow, that all the property, all the eſtate of the father, ought to deſcend to

the eldeſt ſon, (which will need ſome proof to eſtabliſh it) and ſo he has by that title all the *private dominion* of the father, yet the father's *natural dominion*, the paternal power cannot deſcend to him by inheritance: for it being a right that accrues to a man only by begetting, no man can have this natural dominion over any one he does not *beget*; unleſs it can be ſuppoſed, that a man can have a right to any thing, without doing that upon which that right is ſolely founded: for if a father by *begetting*, and no other title, has *natural dominion* over his children, he that does not beget them cannot have this *natural dominion* over them; and therefore be it true or falſe, that our author ſays, *Obſervations*, 156. That *every man that is born, by his very birth becomes a ſubject to him that begets him*, this neceſſarily follows, *viz.* That a man by his birth cannot become a ſubject to his brother, who did not beget him; unleſs it can be ſuppoſed that a man by the very ſame title can come to be under the *natural and abſolute dominion* of two different men at once; or it be ſenſe to ſay, that a man by birth is under the *natural dominion* of his father, only becauſe he begat him, and a man by birth alſo is under the *natural dominion* of his eldeſt brother, though he did not beget him.

§. 75. If then the *private dominion of Adam*, i. e. his property in the creatures, deſcended at his death all entirely to his eldeſt ſon,

his

his heir; (for, if it did not, there is presently an end of all Sir *Robert*'s monarchy) and his *natural dominion*, the dominion a father has over his children by begetting them, belonged immediately, upon *Adam*'s decease, equally to all his sons who had children, by the same title their father had it, the sovereignty founded upon *property*, and the sovereignty founded upon *fatherhood*, come to be divided; since *Cain*, as heir, had that of *property* alone; *Seth*, and the other sons, that of *fatherhood* equally with him. This is the best can be made of our author's doctrine, and of the two titles of sovereignty he sets up in *Adam*: one of them will either signify nothing; or, if they both must stand, they can serve only to confound the rights of princes, and disorder government in his posterity: for by building upon two titles to dominion, which cannot descend together, and which he allows may be separated, (for he yields that *Adam's children had their distinct territories by right of private dominion*, Observations, 210. p. 40.) he makes it perpetually a doubt upon his principles where the sovereignty is, or to whom we owe our obedience, since *fatherhood* and *property* are distinct titles, and began presently upon *Adam*'s death to be in distinct persons. And which then was to give way to the other?

§. 76. Let us take the account of it, as he himself gives it us. He tells us out of *Grotius*,

That

That *Adam's children by donation, aſſignation, or ſome kind of ceſſion before he was dead, had their diſtinct territories by right of private dominion*; Abel *had his flocks and paſtures for them*: Cain *had his fields for corn, and the land of* Nod, *where he built him a city*, Obſervations, 210. Here it is obvious to demand, which of theſe two after *Adam*'s death was ſovereign? *Cain*, ſays our author, p. 19. By what title? *As heir*; *for heirs to progenitors, who were natural parents of their people, are not only lords of their own children, but alſo of their brethren*, ſays our author, p. 19. What was *Cain* heir to? Not the entire poſſeſſions, not all that which *Adam* had *private dominion* in; for our author allows that *Abel*, by a title derived from his father, had *his diſtinct territory for paſture by right of private dominion*. What then *Abel* had by *private dominion*, was exempt from *Cain*'s dominion: for he could not have *private dominion* over that which was under the *private dominion* of another; and therefore his ſovereignty over his brother is gone with this *private dominion*, and ſo there are preſently two ſovereigns, and his imaginary title of *fatherhood* is out of doors, and *Cain* is no prince over his brother: or elſe, if *Cain* retain his ſovereignty over *Abel*, notwithſtanding his *private dominion*, it will follow, that the *firſt grounds and principles of government* have nothing to do with *property*, whatever

our author ſays to the contrary. It is true, *Abel* did not outlive his father *Adam*; but that makes nothing to the argument, which will hold good againſt Sir *Robert* in *Abel*'s iſſue, or in *Seth*, or any of the poſterity of *Adam*, not deſcended from *Cain*.

§. 77. The ſame inconvenience he runs into about *the three ſons of Noah*, who, as he ſays, p. 13. *had the whole world divided amongſt them by their father*. I aſk then, in which of the three ſhall we find *the eſtabliſhment of regal power* after *Noah*'s death? If in all three, as our author there ſeems to ſay; then it will follow, that regal power is founded in property of land, and follows *private dominion*, and not in *paternal power*, or *natural dominion*; and ſo there is an end of paternal power as the fountain of regal authority, and the ſo-much-magnified *fatherhood* quite vaniſhes. If the regal power deſcended to *Shem* as eldeſt, and heir to his father, then *Noah's diviſion of the world by lot to his ſons, or his ten years ſailing about the Mediterranean to appoint each ſon his part*, which our author tells of, p. 15. was labour loſt; his diviſion of the world to them, was to ill, or to no purpoſe: for his grant to *Cham* and *Japhet* was little worth, if *Shem*, notwithſtanding this grant, as ſoon as *Noah* was dead, was to be lord over them. Or, if this grant of *private dominion* to them, over their aſſigned territories, were good, here were ſet up two diſtinct ſorts of power, not ſubordi-

nate

nate one to the other, with all thoſe inconveniences which he muſters up againſt the *power of the people*, Obſervations, 158. which I ſhall ſet down in his own words, only changing *property* for *people*. *All power on earth is either derived or uſurped from the fatherly power, there being no other original to be found of any power whatſoever: for if there ſhould be granted two ſorts of power, without any ſubordination of one to the other, they would be in perpetual ſtrife which ſhould be ſupreme, for two ſupremes cannot agree: if the fatherly power be ſupreme, then the power grounded on private dominion muſt be ſubordinate, and depend on it; and if the power* grounded on property *be ſupreme, then the fatherly power muſt ſubmit to it, and cannot be exerciſed without the licence of the proprietors, which muſt quite deſtroy the frame and courſe of nature.* This is his own arguing againſt two diſtinct independent powers, which I have ſet down in his own words, only putting power riſing from property, for *power of the people*; and when he has anſwered what he himſelf has urged here againſt two diſtinct powers, we ſhall be better able to ſee how, with any tolerable ſenſe, he can derive all regal authority *from the natural and private dominion of* Adam, from *fatherhood* and *property* together, which are diſtinct titles, that do not always meet in the ſame perſon; and it is plain, by his own confeſſion, preſently ſeparated

parated as ſoon both as *Adam*'s and *Noah*'s death made way for ſucceſſion: though our author frequently in his writings jumbles them together, and omits not to make uſe of either, where he thinks it will ſound beſt to his purpoſe. But the abſurdities of this will more fully appear in the next chapter, where we ſhall examine the ways of conveyance of the ſovereignty of *Adam*, to princes that were to reign after him.

CHAP. VIII.

Of the Conveyance of Adam's *ſovereign Monarchical* Power.

§. 78. SIR *Robert*, having not been very happy in any proof he brings for the ſovereignty of *Adam*, is not much more fortunate in conveying it to future princes, who, if his politics be true, muſt all derive their titles from that firſt monarch. The ways he has aſſigned, as they lie ſcattered up and down in his writings, I will ſet down in his own words: in his preface he tells us, That *Adam being monarch of the whole world, none of his poſterity had any right to poſſeſs any thing, but by his grant or permiſſion, or by ſucceſſion from him.* Here he makes two ways of conveyance of any thing *Adam* ſtood poſſeſſed of; and thoſe are *grants* or *ſucceſſion*. Again he ſays, *All kings either are, or are to be*

be reputed, the next heirs to thoſe firſt progenitors, who were at firſt the natural parents of the whole people, p. 19. *There cannot be any multitude of men whatſoever, but that in it, conſidered by itſelf, there is one man amongſt them, that in nature hath a right to be the king of all the reſt, as being the next heir to* Adam, *Obſervations*, 253. Here in theſe places *inheritance* is the only way he allows of conveying monarchical power to princes. In other places he tells us, *Obſervations*, 155. *All power on earth is either derived or uſurped from the fatherly power*, Obſervations, 158. *All kings that now are, or ever were, are or were either fathers of their people, or heirs of ſuch fathers, or uſurpers of the right of ſuch fathers*, Obſervations, 253. And here he makes *inheritance* or *uſurpation* the only ways whereby kings come by this original *power*: but yet he tells us, *This fatherly empire, as it was of itſelf hereditary, ſo it was alienable by patent, and ſeizable by an uſurper*, Obſervations, 190. So then here inheritance, grant, or uſurpation, will convey it. And laſt of all, which is moſt admirable, he tells us, p. 100. *It ſkills not which way kings come by their power, whether by election, donation, ſucceſſion, or by any other means; for it is ſtill the manner of the government by ſupreme power, that makes them properly kings, and not the means of obtaining their crowns.* Which I think is a full anſwer to all his whole *hypo-*

theſis

theſis and diſcourſe about *Adam*'s royal authority, as the fountain from which all princes were to derive theirs: and he might have ſpared the trouble of ſpeaking ſo much as he does, up and down, of heirs and inheritance, if to make any one *properly a king*, needs no more but *governing by ſupreme power, and it matters not by what means he came by it*.

§. 79. By this notable way, our author may make *Oliver* as *properly king*, as any one elſe he could think of: and had he had the happineſs to live under *Maſſanello*'s government, he could not by this his own rule have forborn to have done homage to him, with *O king live for ever*, ſince the manner of his government by ſupreme power, made him *properly* king, who was but the day before *properly* a fiſherman. And if *Don Quixote* had taught his ſquire to govern with ſupreme authority, our author no doubt could have made a moſt loyal ſubject in *Sancho Pancha*'s *iſland*; and he muſt needs have deſerved ſome preferment in ſuch governments, ſince I think he is the firſt politician, who, pretending to ſettle government upon its true baſis, and to eſtabliſh the thrones of lawful princes, ever told the world, That he was *properly a king, whoſe manner of government was by ſupreme power, by what means ſoever he obtained it*; which in plain *Engliſh* is to ſay, that regal and ſupreme power is properly and truly his, who

who can by any means ſeize upon it; and if this be to be *properly a king*, I wonder how he came to think of, or where he will find, an *uſurper*.

§. 80. This is ſo ſtrange a doctrine, that the ſurpriſe of it hath made me paſs by, without their due reflection, the contradictions he runs into, by making ſometimes *inheritance* alone, ſometimes only *grant* or *inheritance*, ſometimes only *inheritance* or *uſurpation*, ſometimes all theſe three, and at laſt *election*, or *any other means*, added to them, the ways whereby *Adam*'s royal *authority*, that is, his right to ſupreme rule, could be conveyed down to future kings and governors, ſo as to give them a title to the obedience and ſubjection of the people. But theſe contradictions lie ſo open, that the very reading of our author's own words will diſcover them to any ordinary underſtanding; and though what I have quoted out of him (with abundance more of the ſame ſtrain and coherence, which might be found in him) might well excuſe me from any farther trouble in this argument, yet having propoſed to myſelf, to examine the main parts of his doctrine, I ſhall a little more particularly conſider how *inheritance*, *grant*, *uſurpation* or *election*, can any way make out government in the world upon his principles; or derive to any one a right of empire, from this regal authority of *Adam*, had it been never

never ſo well proved, that he had been abſolute monarch, and lord of the whole world.

CHAP. IX.

Of Monarchy, by Inheritance from Adam.

§. 81. THough it be never ſo plain, that there ought to be government in the world, nay, ſhould all men be of our author's mind, that divine appointment had ordained it to be *monarchical*; yet, ſince men cannot obey any thing, that cannot command; and ideas of government in the fancy, though never ſo perfect, though never ſo right, cannot give laws, nor preſcribe rules to the actions of men; it would be of no behoof for the ſettling of order, and eſtabliſhment of government in its exerciſe and uſe amongſt men, unleſs there were a way alſo taught how to know the perſon, to whom it belonged to have this power, and exerciſe this dominion over others. It is in vain then to talk of ſubjection and obedience without telling us whom we are to obey: for were I never ſo fully perſuaded that there ought to be magiſtracy and rule in the world; yet I am never the leſs at liberty ſtill, till it appears who is the perſon that hath right to my obedience; ſince, if there be no marks to know him by, and diſtinguiſh him that hath right to rule from

other men, it may be myſelf, as well as any other. And therefore, though ſubmiſſion to government be every one's duty, yet ſince that ſignifies nothing but ſubmitting to the direction and laws of ſuch men as have authority to command, it is not enough to make a man a ſubject, to convince him that there is *regal power* in the world; but there muſt be ways of deſigning, and knowing the perſon to whom this *regal power* of right belongs: and a man can never be obliged in conſcience to ſubmit to any power, unleſs he can be ſatisfied who is the perſon who has a right to exerciſe that power over him. If this were not ſo, there would be no diſtinction between pirates and lawful princes; he that has force is without any more ado to be obeyed, and crowns and ſcepters would become the inheritance only of violence and rapine. Men too might as often and as innocently change their governors, as they do their phyſicians, if the perſon cannot be known who has a right to direct me, and whoſe preſcriptions I am bound to follow. To ſettle therefore men's conſciences, under an obligation to obedience, it is neceſſary that they know not only, that there is a power ſomewhere in the world, but the perſon who by right is veſted with this power over them.

§. 82. How ſucceſsful our author has been in his attempts, to ſet up a *monarchical abſolute power* in *Adam*, the reader may judge by

by what has been already ſaid; but were that *abſolute monarchy* as clear as our author would deſire it, as I preſume it is the contrary, yet it could be of no uſe to the government of mankind now in the world, unleſs he alſo make out theſe two things.

Firſt, That this *power of Adam* was not to end with him, but was upon his deceaſe conveyed intire to ſome other perſon, and ſo on to poſterity.

Secondly, That the princes and rulers now on earth are poſſeſſed of this *power of Adam*, by a right way of conveyance derived to them.

§. 83. If the firſt of theſe fail, the *power of Adam*, were it never ſo great, never ſo certain, will ſignify nothing to the preſent government and ſocieties in the world; but we muſt ſeek out ſome other original of power for the government of politys than this of *Adam*, or elſe there will be none at all in the world. If the latter fail, it will deſtroy the authority of the preſent governors, and abſolve the people from ſubjection to them, ſince they, having no better a claim than others to that power, which is alone the fountain of all authority, can have no title to rule over them.

§. 84. Our author, having fancied an abſolute ſovereignty in *Adam*, mentions ſeveral ways of its conveyance to princes, that were to be his ſucceſſors; but that which he chiefly

inſiſts on, is that of *inheritance*, which occurs ſo often in his ſeveral diſcourſes; and I having in the foregoing chapter quoted ſeveral of theſe paſſages, I ſhall not need here again to repeat them. This ſovereignty he erects, as has been ſaid, upon a double foundation, *viz.* that of *property*, and that of *fatherhood*. One was the right he was ſuppoſed to have in all creatures, a right to poſſeſs the earth with the beaſts, and other inferior ranks of things in it, for his private uſe, excluſive of all other men. The other was the right he was ſuppoſed to have, to rule and govern men, all the reſt of mankind.

§. 85. In both theſe rights, there being ſuppoſed an excluſion of all other men, it muſt be upon ſome reaſon peculiar to *Adam*, that they muſt both be founded.

That of his *property* our author ſuppoſes to ariſe from God's immediate *donation*, *Gen.* i. 28. and that of *fatherhood* from the act of *begetting*: now in all inheritance, if the heir ſucceed not to the reaſon upon which his father's right was founded, he cannot ſucceed to the right which followeth from it. For example, *Adam* had a right of property in the creatures upon the *donation* and *grant* of God almighty, who was lord and proprietor of them all: let this be ſo as our author tells us, yet upon his death his heir can have no title to them, no ſuch right of property in them, unleſs the ſame reaſon, *viz.* God's

donation,

donation, veſted a right in the *heir* too: for if *Adam* could have had no property in, nor uſe of the creatures, without this poſitive *donation* from God, and this *donation* were only perſonally to *Adam*, his *heir* could have no right by it; but upon his death it muſt revert to God, the lord and owner again; for poſitive grants give no title farther than the expreſs words convey it, and by which only it is held. And thus, if as our author himſelf contends, that *donation*, *Gen.* i. 28. were made only to *Adam* perſonally, his heir could not ſucceed to his property in the creatures; and if it were a donation to any but *Adam*, let it be ſhewn, that it was to his heir in our author's ſenſe, *i. e.* to one of his children, excluſive of all the reſt.

§. 86. But not to follow our author too far out of the way, the plain of the caſe is this. God having made man, and planted in him, as in all other animals, a ſtrong deſire of ſelf-preſervation; and furniſhed the world with things fit for food and raiment, and other neceſſaries of life, ſubſervient to his deſign, that man ſhould live and abide for ſome time upon the face of the earth, and not that ſo curious and wonderful a piece of workmanſhip, by his own negligence, or want of neceſſaries, ſhould periſh again, preſently after a few moments continuance; God, I ſay, having made man and the world thus, ſpoke to him, (that is) directed him

by his ſenſes and reaſon, as he did the inferior animals by their ſenſe and inſtinct, which were ſerviceable for his ſubſiſtence, and given him as the means of his *preſervation*. And therefore I doubt not, but before theſe words were pronounced, i. *Gen.* 28, 29. (if they muſt be underſtood literally to have been ſpoken) and without any ſuch verbal *donation*, man had a right to an uſe of the creatures, by the will and grant of God: for the deſire, ſtrong deſire of preſerving his life and being, having been planted in him as a principle of action by God himſelf, reaſon, *which was the voice of God in him*, could not but teach him and aſſure him, that purſuing that natural inclination he had to preſerve his being, he followed the will of his maker, and therefore had a right to make uſe of thoſe creatures, which by his reaſon or ſenſes he could diſcover would be ſerviceable thereunto. And thus man's *property* in the creatures was founded upon the right he had to make uſe of thoſe things that were neceſſary or uſeful to his being.

§. 87. This being the reaſon and foundation of *Adam*'s *property*, gave the ſame title, on the ſame ground, to all his children, not only after his death, but in his life-time: ſo that here was no privilege of his *heir* above his other children, which could exclude them from an equal right to the uſe of the inferior creatures, for the comfortable preſervation of

of their beings, which is all the *property* man hath in them; and ſo *Adam*'s ſovereignty built on *property*, or, as our author calls it, *private dominion*, comes to nothing. Every man had a right to the creatures, by the ſame title *Adam* had, *viz.* by the right every one had to take care of, and provide for their ſubſiſtence: and thus men had a right in common, *Adam*'s children in common with him. But if any one had began, and made himſelf a property in any particular thing, (which how he, or any one elſe, could do, ſhall be ſhewn in another place) that thing, that poſſeſſion, if he diſpoſed not otherwiſe of it by his poſitive grant, deſcended naturally to his children, and they had a right to ſucceed to it, and poſſeſs it.

§. 88. It might reaſonably be aſked here, how come children by this right of poſſeſſing, before any other, the properties of their parents upon their deceaſe? for it being perſonally the parents, when they die, without actually transferring their right to another, why does it not return again to the common ſtock of mankind? It will perhaps be anſwered, that common conſent hath diſpoſed of it to their children. Common practice, we ſee indeed, does ſo diſpoſe of it; but we cannot ſay, that it is the common conſent of mankind; for that hath never been aſked, nor actually given; and if common tacit conſent hath eſtabliſhed it, it would make

but a positive, and not a natural right of children to inherit the goods of their parents: but where the practice is universal, it is reasonable to think the cause is natural. The ground then I think to be this. The first and strongest desire God planted in men, and wrought into the very principles of their nature, being that of self-preservation, that is the foundation of a right to the creatures for the particular support and use of each individual person himself. But, next to this, God planted in men a strong desire also of propagating their kind, and continuing themselves in their posterity; and this gives children a title to share in the *property* of their parents, and a right to inherit their possessions. Men are not proprietors of what they have, meerly for themselves; their children have a title to part of it, and have their kind of right joined with their parents, in the possession which comes to be wholly their's, when death, having put an end to their parents use of it, hath taken them from their possessions; and this we call inheritance: men being by a like obligation bound to preserve what they have begotten, as to preserve themselves, their issue come to have a right in the goods they are possessed of. That children have such a right, is plain from the laws of God; and that men are convinced that children have such a right, is evident from the law of the land; both

which laws require parents to provide for their children.

§. 89. For children being by the courſe of nature, born weak, and unable to provide for themſelves, they have by the appointment of God himſelf, who hath thus ordered the courſe of nature, a right to be nouriſhed and maintained by their parents; nay, a right not only to a bare ſubſiſtence, but to the conveniencies and comforts of life, as far as the conditions of their parents can afford it. Hence it comes, that when their parents leave the world, and ſo the care due to their children ceaſes, the effects of it are to extend as far as poſſibly they can, and the proviſions they have made in their life-time, are underſtood to be intended, as nature requires they ſhould, for their children, whom, after themſelves, they are bound to provide for: though the dying parents, by expreſs words, declare nothing about them, nature appoints the deſcent of their property to their children, who thus come to have a title, and natural right of inheritance to their fathers goods, which the reſt of mankind cannot pretend to.

§. 90. Were it not for this right of being nouriſhed and maintained by their parents, which God and nature has given to children, and obliged parents to as a duty, it would be reaſonable, that the father ſhould inherit the eſtate of his ſon, and be preferred in the

inheritance

inheritance before his grand-child: for to the grand-father there is due a long ſcore of care and expences laid out upon the breeding and education of his ſon, which one would think in juſtice ought to be paid. But that having been done in obedience to the ſame law, whereby he received nouriſhment and education from his own parents; this ſcore of education, received from a man's father, is paid by taking care, and providing for his own children; is paid, I ſay, as much as is required of payment by alteration of property, unleſs preſent neceſſity of the parents require a return of goods for their neceſſary ſupport and ſubſiſtence: for we are not now ſpeaking of that reverence, acknowledgment, reſpect and honour, that is always due from children to their parents; but of poſſeſſions and commodities of life valuable by money. But though it be incumbent on parents to bring up and provide for their children, yet this debt to their children does not quite cancel the ſcore due to their parents; but only is made by nature preferable to it: for the debt a man owes his father takes place, and gives the father a right to inherit the ſon's goods, where, for want of iſſue, the right of children doth not exclude that title. And therefore a man having a right to be maintained by his children, where he needs it; and to enjoy alſo the comforts of life from them, when the neceſſary proviſion due

to

to them and their children will afford it; if his ſon die without iſſue, the father has a right in nature to poſſeſs his goods, and inherit his eſtate, (whatever the municipal laws of ſome countries may abſurdly direct otherwiſe;) and ſo again his children and their iſſue from him; or, for want of ſuch, his father and his iſſue. But where no ſuch are to be found, *i. e.* no kindred, there we ſee the poſſeſſions of a private man revert to the community, and ſo in politic ſocieties come into the hands of the public magiſtrate; but in the ſtate of nature become again perfectly common, no body having a right to inherit them: nor can any one have a property in them, otherwiſe than in other things common by nature; of which I ſhall ſpeak in its due place.

§. 91. I have been the larger, in ſhewing upon what ground children have a right to ſucceed to the poſſeſſion of their fathers properties, not only becauſe by it, it will appear, that if *Adam* had a property (a titular, inſignificant, uſeleſs property; for it could be no better, for he was bound to nouriſh and maintain his children and poſterity out of it) in the whole earth and its product, yet all his children coming to have, by the law of nature, and right of inheritance, a joint title, and right of property in it after his death, it could convey no right of ſovereignty to any one of his poſterity over the reſt: ſince

ſince every one having a right of inheritance to his portion, they might enjoy their inheritance, or any part of it in common, or ſhare it, or ſome parts of it, by diviſion, as it beſt liked them. But no one could pretend to the whole inheritance, or any ſovereignty ſuppoſed to accompany it; ſince a right of inheritance gave every one of the reſt, as well as any one, a title to ſhare in the goods of his father. Not only upon this account, I ſay, have I been ſo particular in examining the reaſon of children's inheriting the property of their fathers, but alſo becauſe it will give us farther light in the inheritance of *rule* and *power*, which in countries where their particular municipal laws give the whole poſſeſſion of land entirely to the firſt-born, and deſcent of power has gone ſo to men by this cuſtom, ſome have been apt to be deceived into an opinion, that there was a natural or divine right of primogeniture, to both *eſtate* and *power*; and that the inheritance of both *rule* over men, and *property* in things, ſprang from the ſame original, and were to deſcend by the ſame rules.

§. 92. Property, whoſe original is from the right a man has to uſe any of the inferior creatures, for the ſubſiſtence and comfort of his life, is for the benefit and ſole advantage of the proprietor, ſo that he may even deſtroy the thing, that he has property in by his uſe of it, where need requires: but government

being for the preſervation of every man's right and property, by preſerving him from the violence or injury of others, is for the good of the governed: for the magiſtrate's ſword being for a *terror to evil doers*, and by that terror to inforce men to obſerve the poſitive laws of the ſociety, made conformable to the laws of nature, for the public good, *i. e.* the good of every particular member of that ſociety, as far as by common rules it can be provided for; the ſword is not given the magiſtrate for his own good alone.

§. 93. Children therefore, as has been ſhewed, by the dependance they have on their parents for ſubſiſtence, have a right of inheritance to their fathers property, as that which belongs to them for their proper good and behoof, and therefore are fitly termed goods, wherein the firſt-born has not a ſole or peculiar right by any law of God and nature, the younger children having an equal title with him, founded on that right they all have to maintenance, ſupport, and comfort from their parents, and on nothing elſe. But government being for the benefit of the governed, and not the ſole advantage of the governors, (but only for their's with the reſt, as they make a part of that politic body, each of whoſe parts and members are taken care of, and directed in its peculiar functions for the good of the whole, by the laws of

ſociety)

ſociety) cannot be inherited by the ſame title, that children have to the goods of their father. The right a ſon has to be maintained and provided with the neceſſaries and conveniences of life out of his father's ſtock, gives him a right to ſucceed to his father's *property* for his own good; but this can give him no right to ſucceed alſo to the *rule*, which his father had over other men. All that a child has right to claim from his father is nouriſhment and education, and the things nature furniſhes for the ſupport of life: but he has no right to demand *rule* or *dominion* from him: he can ſubſiſt and receive from him the portion of good things, and advantages of education naturally due to him, without *empire* and *dominion*. That (if his father hath any) was veſted in him, for the good and behoof of others: and therefore the ſon cannot claim or inherit it by a title, which is founded wholly on his own private good and advantage.

§. 94. We muſt know how the firſt ruler, from whom any one claims, came by his authority, upon what ground any one has *empire*, what his title is to it, before we can know who has a right to ſucceed him in it, and inherit it from him: if the agreement and conſent of men firſt gave a ſcepter into any one's hand, or put a crown on his head, that alſo muſt direct its deſcent and conveyance; for the ſame authority, that

made

made the firſt a lawful *ruler*, muſt make the ſecond too, and ſo give right of ſucceſſion: in this caſe inheritance, or primogeniture, can in its ſelf have no right, no pretence to it, any farther than that conſent, which eſtabliſhed the form of the government, hath ſo ſettled the ſucceſſion. And thus we ſee, the ſucceſſion of crowns, in ſeveral countries, places it on different heads, and he comes by right of ſucceſſion to be a prince in one place, who would be a ſubject in another.

§. 95. If God, by his poſitive grant and revealed declaration, firſt gave *rule* and *dominion* to any man, he that will claim by that title, muſt have the ſame poſitive grant of God for his ſucceſſion: for if that has not directed the courſe of its deſcent and conveyance down to others, no body can ſucceed to this title of the firſt ruler. Children have no right of inheritance to this; and primogeniture can lay no claim to it, unleſs God, the author of this conſtitution, hath ſo ordained it. Thus we ſee, the pretenſions of *Saul*'s family, who received his crown from the immediate appointment of God, ended with his reign; and *David*, by the ſame title that *Saul* reigned, *viz.* God's appointment, ſucceeded in his throne, to the excluſion of *Jonathan*, and all pretenſions of paternal inheritance: and if *Solomon* had a right to ſucceed his father, it muſt be by ſome other title, than that of primogeniture. A *cadet*, or ſiſter's ſon, muſt

have

have the preference in ſucceſſion, if he has the ſame title the firſt lawful prince had: and in dominion that has its foundation only in the poſitive appointment of God himſelf, *Benjamin*, the youngeſt, muſt have the inheritance of the crown, if God ſo direct, as well as one of that tribe had the firſt poſſeſſion.

§. 96. If *paternal right*, the act of *begetting*, give a man *rule* and *dominion*, inheritance or primogeniture can give no title: for he that cannot ſucceed to his father's title, which was *begetting*, cannot ſucceed to that power over his brethren, which his father had by paternal right over them. But of this I ſhall have occaſion to ſay more in another place. This is plain in the mean time, that any government, whether ſuppoſed to be at firſt founded in *paternal right*, *conſent of the people*, or the *poſitive appointment of God himſelf*, which can ſuperſede either of the other, and ſo begin a new government upon a new foundation; I ſay, any government began upon either of theſe, can by right of ſucceſſion come to thoſe only, who have the title of him they ſucceed to: power founded on *contract* can deſcend only to him, who has right by that contract: power founded on *begetting*, he only can have that *begets*; and power founded on the poſitive *grant* or donation of God, he only can have by right of ſucceſſion, to whom that grant directs it.

§. 97.

§. 97. From what I have ſaid, I think this is clear, that a right to the uſe of the creatures, being founded originally in the right a man has to ſubſiſt and enjoy the conveniencies of life; and the natural right children have to inherit the goods of their parents, being founded in the right they have to the ſame ſubſiſtence and commodities of life, out of the ſtock of their parents, who are therefore taught by natural love and tenderneſs to provide for them, as a part of themſelves; and all this being only for the good of the proprietor, or heir; it can be no reaſon for children's inheriting of *rule* and *dominion*, which has another original and a different end. Nor can primogeniture have any pretence to a right of ſolely inheriting either *property* or *power*, as we ſhall, in its due place, ſee more fully. It is enough to have ſhewed here, that *Adam*'s *property*, or *private dominion*, could not convey any ſovereignty or rule to his heir, who not having a right to inherit all his father's poſſeſſions, could not thereby come to have any ſovereignty over his brethren: and therefore, if any ſovereignty on account of his *property* had been veſted in *Adam*, which in truth there was not, yet it would have died with him.

§. 98. As *Adam*'s ſovereignty, if, by virtue of being proprietor of the world, he had any authority over men, could not have been inherited by any of his children over the reſt, becauſe they had the ſame title to divide the inheritance, and every one had a right to a

portion of his father's poſſeſſions; ſo neither could *Adam*'s ſovereignty by right of *fatherhood*, if any ſuch he had, deſcend to any one of his children: for it being, in our author's account, a right acquired by *begetting* to rule over thoſe he had begotten, it was not a power poſſible to be inherited, becauſe the right being conſequent to, and built on, an act perfectly perſonal, made that power ſo too, and impoſſible to be inherited: for paternal power, being a natural right riſing only from the relation of father and ſon, is as impoſſible to be inherited as the relation itſelf; and a man may pretend as well to inherit the conjugal power the huſband, whoſe heir he is, had over his wife, as he can to inherit the paternal power of a father over his children: for the power of the huſband being founded on contract, and the power of the father on *begetting*, he may as well inherit the power obtained by the conjugal contract, which was only perſonal, as he may the power obtained by begetting, which could reach no farther than the perſon of the begetter, unleſs begetting can be a title to power in him that does not beget.

§. 99. Which makes it a reaſonable queſtion to aſk, whether *Adam*, dying before *Eve*, his heir, (ſuppoſe *Cain* or *Seth*) ſhould have by right of inheriting *Adam*'s *fatherhood*, ſovereign power over *Eve* his mother: for *Adam*'s *fatherhood* being nothing but a right he had to govern his children, becauſe he begot them, he that

inherits

inherits *Adam*'s *fatherhood*, inherits nothing, even in our author's ſenſe, but the right *Adam* had to govern his children, becauſe he begot them: ſo that the monarchy of the heir would not have taken in *Eve*; or if it did, it being nothing but the *fatherhood of Adam* deſcended by inheritance, the heir muſt have right to govern *Eve*, becauſe *Adam* begot her; for *fatherhood* is nothing elſe.

§. 100. Perhaps it will be ſaid with our author, that a man can alien his power over his child; and what may be transferred by compact, may be poſſeſſed by inheritance. I anſwer, a father cannot alien the power he has over his child: he may perhaps to ſome degrees forfeit it, but cannot transfer it; and if any other man acquire it, it is not by the father's grant, but by ſome act of his own. For example, a father, unnaturally careleſs of his child, ſells or gives him to another man; and he again expoſes him; a third man finding him, breeds up, cheriſhes, and provides for him as his own: I think in this caſe, no body will doubt, but that the greateſt part of filial duty and ſubjection was here owing, and to be paid to this foſter-father; and if any thing could be demanded from the child, by either of the other, it could be only due to his natural father, who perhaps might have forfeited his right to much of that duty comprehended in the command, *Honour your parents*, but could transfer none of it to another. He that purchaſed, and

neglected the child, got by his purchaſe and grant of the father, no title to duty or honour from the child; but only he acquired it, who by his own authority, performing the office and care of a father, to the forlorn and periſhing infant, made himſelf, by paternal care, a title to proportionable degrees of paternal power. This will be more eaſily admitted upon conſideration of the nature of paternal power, for which I refer my reader to the ſecond book.

§. 101. To return to the argument in hand; this is evident, That paternal power ariſing only from *begetting*, for in that our author places it alone, can neither be *tranſferred* nor *inherited*: and he that does not beget, can no more have paternal power, which ariſes from thence, than he can have a right to any thing, who performs not the condition, to which only it is annexed. If one ſhould aſk, by what law has a father power over his children? it will be anſwered, no doubt, by the law of nature, which gives ſuch a power over them, to him that begets them. If one ſhould aſk likewiſe, by what law does our author's heir come by a right to inherit? I think it would be anſwered, by the law of nature too: for I find not that our author brings one word of ſcripture to prove the right of ſuch an heir he ſpeaks of. Why then the law of nature gives fathers paternal power over their children, becauſe they did *beget* them; and the

the ſame law of nature gives the ſame paternal power to the heir over his brethren, who did not beget them: whence it follows, that either the father has not his paternal power by begetting, or elſe that the heir has it not at all; for it is hard to underſtand how the law of nature, which is the law of reaſon, can give the paternal power to the father over his children, for the only reaſon of *begetting*; and to the firſt-born over his brethren without this only reaſon, *i. e.* for no reaſon at all: and if the eldeſt, by the law of nature, can inherit this paternal power, without the only reaſon that gives a title to it, ſo may the youngeſt as well as he, and a ſtranger as well as either; for where there is no reaſon for any one, as there is not, but for him that begets, all have an equal title. I am ſure our author offers no reaſon; and when any body does, we ſhall ſee whether it will hold or no.

§. 102. In the mean time it is as good ſenſe to ſay, that by the law of nature a man has right to inherit the property of another, becauſe he is of kin to him, and is known to be of his blood; and therefore, by the ſame law of nature, an utter ſtranger to his blood has right to inherit his eſtate; as to ſay that, by the law of nature, he that begets them has paternal power over his children, and therefore, by the law of nature, the heir that begets them not, has this paternal power over them; or ſuppoſing the law of the land

gave abſolute power over their children, to ſuch only who nurſed them, and fed their children themſelves, could any body pretend, that this law gave any one, who did no ſuch thing, abſolute power over thoſe, who were not his children?

§. 103. When therefore it can be ſhewed, that conjugal power can belong to him that is not an huſband, it will alſo I believe be proved, that our author's paternal power, acquired by begetting, may be inherited by a ſon; and that a brother, as heir to his father's power, may have paternal power over his brethren, and by the ſame rule conjugal power too: but till then, I think we may reſt ſatisfied, that the paternal power of *Adam*, this ſovereign authority of *fatherhood*, were there any ſuch, could not deſcend to, nor be inherited by, his next heir. *Fatherly power*, I eaſily grant our author, if it will do him any good, can never be loſt, becauſe it will be as long in the world as there are fathers: but none of them will have *Adam*'s paternal power, or derive their's from him; but every one will have his own, by the ſame title *Adam* had his, *viz.* by *begetting*, but not by inheritance, or ſucceſſion, no more than huſbands have their conjugal power by inheritance from *Adam*. And thus we ſee, as *Adam* had no ſuch *property*, no ſuch *paternal power*, as gave him *ſovereign* juriſdiction over mankind; ſo likewiſe his ſovereignty built upon either of theſe titles, if he had any ſuch, could not have

have deſcended to his heir, but muſt have ended with him. *Adam* therefore, as has been proved, being neither monarch, nor his imaginary monarchy hereditable, the power which is now in the world, is not that which was *Adam*'s, ſince all that *Adam* could have upon our author's grounds, either of *property* or *fatherhood*, neceſſarily died with him, and could not be conveyed to poſterity by inheritance. In the next place we will conſider, whether *Adam* had any ſuch heir, to inherit his power, as our author talks of.

CHAP. X.

Of the Heir to Adam's *Monarchical Power.*

§. 104. OUR author tells us, Obſervations, 253. *That it is a truth undeniable, that there cannot be any multitude of men whatſoever, either great or ſmall, tho' gathered together from the ſeveral corners and remoteſt regions of the world, but that in the ſame multitude, conſidered by its ſelf, there is one man amongſt them, that in nature hath a right to be king of all the reſt, as being the next heir to* Adam, *and all the other ſubjects to him: every man by nature is a king or a ſubject.* And again, p. 20. *If* Adam *himſelf were ſtill living, and now ready to die, it is certain that there is one man, and but one in the world, who is next heir.* Let this *multitude of men* be, if

our author pleaſes, all the princes upon the earth, there will then be, by our author's rule, *one amongſt them, that in nature hath a right to be king of all the reſt, as being the right heir to* Adam; an excellent way to eſtabliſh the thrones of princes, and ſettle the obedience of their ſubjects, by ſetting up an hundred, or perhaps a thouſand titles (if there be ſo many princes in the world) againſt any king now reigning, each as good, upon our author's grounds, as his who wears the crown. If this right of *heir* carry any weight with it, if it be the *ordinance of God*, as our author ſeems to tells us, *Obſervations*, 244. muſt not all be ſubject to it, from the higheſt to the loweſt? Can thoſe who wear the name of princes, without having the right of being *heirs to* Adam, demand obedience from their ſubjects by this title, and not be bound to pay it by the ſame law? Either governments in the world are not to be claimed, and held by this title of *Adam*'s heir; and then the ſtarting of it is to no purpoſe, the being or not being *Adam*'s heir ſignifies nothing as to the title of dominion: or if it really be, as our author ſays, the true title to government and ſovereignty, the firſt thing to be done, is to find out this true heir of *Adam*, ſeat him in his throne, and then all the kings and princes of the world ought to come and reſign up their *crowns* and *ſcepters* to him, as things that belong no more to them, than to any of their ſubjects.

§. 105.

§. 105. For either this right in nature, of *Adam*'s heir, to be king over all the race of men, (for all together they make one *multitude*) is a right not neceſſary to the making of a lawful king, and ſo there may be lawful kings without it, and then kings titles and power depend not on it; or elſe all the kings in the world but one are not lawful kings, and ſo have no right to obedience: either this title of heir to *Adam* is that whereby kings hold their crowns, and have a right to ſubjection from their ſubjects, and then one only can have it, and the reſt being ſubjects can require no obedience from other men, who are but their fellow ſubjects; or elſe it is not the title whereby kings rule, and have a right to obedience from their ſubjects, and then kings are kings without it, and this dream of the natural ſovereignty of *Adam*'s heir is of no uſe to obedience and government: for if kings have a right to dominion, and the obedience of their ſubjects, who are not, nor can poſſibly be, heirs to *Adam*, what uſe is there of ſuch a title, when we are obliged to obey without it? If kings, who are not heirs to *Adam*, have no right to ſovereignty, we are all free, till our author, or any body for him, will ſhew us *Adam*'s right heir. If there be but one heir of *Adam*, there can be but one lawful king in the world, and no body in conſcience can be obliged to obedience till it be reſolved

who

who that is; for it may be any one, who is not known to be of a younger houſe, and all others have equal titles. If there be more than one heir of *Adam*, every one is his heir, and ſo every one has regal power: for if two ſons can be heirs together, then all the ſons are equally heirs, and ſo all are heirs, being all ſons, or ſons ſons of *Adam*. Betwixt theſe two the right of heir cannot ſtand; for by it either but one only man, or all men are kings. Take which you pleaſe, it diſſolves the bonds of government and obedience; ſince, if all men are heirs, they can owe obedience to no body; if only one, no body can be obliged to pay obedience to him, till he be known, and his title made out.

CHAP. XI.

Who HEIR?

§. 106. THE great queſtion which in all ages has diſturbed mankind, and brought on them the greateſt part of thoſe miſchiefs which have ruined cities, depopulated countries, and diſordered the peace of the world, has been, not whether there be power in the world, nor whence it came, but who ſhould have it. The ſettling of this point being of no ſmaller moment than the ſecurity of princes, and the peace

and

and welfare of their eſtates and kingdoms, a reformer of politics, one would think, ſhould lay this ſure, and be very clear in it: for if this remain diſputable, all the reſt will be to very little purpoſe; and the ſkill uſed in dreſſing up power with all the ſplendor and temptation abſoluteneſs can add to it, without ſhewing who has a right to have it, will ſerve only to give a greater edge to man's natural ambition, which of its ſelf is but too keen. What can this do but ſet men on the more eagerly to ſcramble, and ſo lay a ſure and laſting foundation of endleſs contention and diſorder, inſtead of that peace and tranquillity, which is the buſineſs of government, and the end of human ſociety?

§. 107. This deſignation of the perſon our author is more than ordinary obliged to take care of, becauſe he, affirming that *the aſſignment of civil power is by divine inſtitution*, hath made the conveyance as well as the power itſelf ſacred: ſo that no conſideration, no act or art of man, can divert it from that perſon, to whom, by this divine right, it is aſſigned; no neceſſity or contrivance can ſubſtitute another perſon in his room: for if the *aſſignment of civil power be by divine inſtitution*, and *Adam*'s *heir* be he to whom it is thus aſſigned, as in the foregoing chapter our author tells us, it would be as much ſacrilege for any one to be king, who was not *Adam*'s heir, as it would have been amongſt

the *Jews*, for any one to have been *prieſt*, who had not been of *Aaron*'s poſterity: for *not only* the prieſthood *in general being by divine inſtitution, but the aſſignment of it* to the ſole line and poſterity of *Aaron*, made it impoſſible to be enjoyed or exerciſed by any one, but thoſe perſons who were the off-ſpring of *Aaron*: whoſe ſucceſſion therefore was carefully obſerved, and by that the perſons who had a right to the prieſthood certainly known.

§. 108. Let us ſee then what care our author has taken, to make us know who is this *heir*, who *by divine inſtitution has a right to be king over all men*. The firſt account of him we meet with is, p. 12. in theſe words: *This ſubjection of children, being the fountain of all regal authority, by the ordination of God himſelf; it follows, that civil power, not only in general, is by divine inſtitution, but even the aſſignment of it, ſpecifically to the eldeſt parents.* Matters of ſuch conſequence as this is, ſhould be in plain words, as little liable, as might be, to doubt or equivocation; and I think, if language be capable of expreſſing any thing diſtinctly and clearly, that of kindred, and the ſeveral degrees of nearneſs of blood, is one. It were therefore to be wiſhed, that our author had uſed a little more intelligible expreſſions here, that we might have better known, who it is, to whom the *aſſignment of civil power* is made by *divine inſtitution*; or at leaſt would have told us what he meant by

eldeſt

eldeſt parents: for I believe, if land had been aſſigned or granted to him, and the *eldeſt parents* of his family, he would have thought it had needed an interpreter; and it would ſcarce have been known to whom next it belonged.

§. 109. In propriety of ſpeech, (and certainly propriety of ſpeech is neceſſary in a diſcourſe of this nature) *eldeſt parents* ſignifies either the eldeſt men and women that have had children, or thoſe who have longeſt had iſſue; and then our author's aſſertion will be, that thoſe fathers and mothers, who have been longeſt in the world, or longeſt fruitful, have by *divine inſtitution* a right to *civil power*. If there be any abſurdity in this, our author muſt anſwer for it: and if his meaning be different from my explication, he is to be blamed, that he would not ſpeak it plainly. This I am ſure, *parents* cannot ſignify heirs male, nor *eldeſt parents* an infant child: who yet may ſometimes be the true heir, if there can be but one. And we are hereby ſtill as much at a loſs, who *civil power* belongs to, notwithſtanding this *aſſignment by divine inſtitution*, as if there had been no ſuch *aſſignment* at all, or our author had ſaid nothing of it. This of *eldeſt parents* leaving us more in the dark, who by *divine inſtitution* has a right to *civil power*, than thoſe who never heard any thing at all of *heir*, or deſcent, of which our author is ſo full. And though the

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chief matter of his writing be to teach obedience to thoſe, who have a right to it, which he tells us is conveyed by deſcent, yet who thoſe are, to whom this right by deſcent belongs, he leaves, like the philoſophers ſtone in politics, out of the reach of any one to diſcover from his writings.

§. 110. This obſcurity cannot be imputed to want of language in ſo great a maſter of ſtyle as Sir *Robert* is, when he is reſolved with himſelf what he would ſay: and therefore, I fear, finding how hard it would be to ſettle rules of deſcent by divine inſtitution, and how little it would be to his purpoſe, or conduce to the clearing and eſtabliſhing the titles of princes, if ſuch rules of deſcent were ſettled, he choſe rather to content himſelf with doubtful and general terms, which might make no ill ſound in mens ears, who were willing to be pleaſed with them, rather than offer any clear rules of deſcent of this *fatherhood* of *Adam*, by which men's conſciences might be ſatisfied to whom it deſcended, and know the perſons who had a right to regal power, and with it to their obedience.

§. 111. How elſe is it poſſible, that laying ſo much ſtreſs, as he does, upon *deſcent*, and *Adam*'s *heir*, *next heir*, *true heir*, he ſhould never tell us what *heir* means, nor the way to know who the *next* or *true heir* is? This, I do not remember, he does any where expreſly

preſly handle; but, where it comes in his way, very warily and doubtfully touches; though it be ſo neceſſary, that without it all diſcourſes of government and obedience upon his principles would be to no purpoſe, and *fatherly power*, never ſo well made out, will be of no uſe to any body. Hence he tells us, *Obſervations*, 244. *That not only the conſtitution of power in general, but the limitation of it to one kind*, (i. e.) *monarchy, and the determination of it to the individual perſon and line of* Adam, *are all three ordinances of God; neither* Eve *nor her children could either limit* Adam's *power, or join others with him; and what was given unto* Adam *was given in his perſon to his poſterity.* Here again our author informs us, that the *divine ordinance* hath limited the deſcent of *Adam*'s monarchical power. To whom? *To* Adam's *line and poſterity*, ſays our author. A notable *limitation*, a *limitation* to all mankind: for if our author can find any one amongſt mankind, that is not of the *line* and *poſterity* of *Adam*, he may perhaps tell him, who this next heir of *Adam* is: but for us, I deſpair how this *limitation* of *Adam*'s empire to his *line* and *poſterity* will help us to find out *one heir*. This *limitation* indeed of our author will ſave thoſe the labour, who would look for him amongſt the race of brutes, if any ſuch there were; but will very little contribute to the diſcovery of *one next heir* amongſt men, though it make a ſhort and eaſy determination of the queſtion

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about the defcent of *Adam*'s regal power, by telling us, that the *line* and *poſterity* of *Adam* is to have it, that is, in plain *Engliſh*, any one may have it, ſince there is no perſon living that hath not the title of being of the *line* and *poſterity* of *Adam*; and while it keeps there, it keeps within our author's limitation by God's ordinance. Indeed, p. 19. he tells us, that *ſuch heirs are not only lords of their own children, but of their brethren*; whereby, and by the words following, which we ſhall conſider anon, he ſeems to inſinuate, that the eldeſt ſon is *heir*; but he no where, that I know, ſays it in direct words, but by the inſtances of *Cain* and *Jacob*, that there follow, we may allow this to be ſo far his opinion concerning heirs, that where there are divers children, the eldeſt ſon has the right to be *heir*. That primogeniture cannot give any title to paternal power, we have already ſhewed. That a father may have a natural right to ſome kind of power over his children, is eaſily granted; but that an elder brother has ſo over his brethren, remains to be proved: God or nature has not any where, that I know, placed ſuch juriſdiction in the firſt-born; nor can reaſon find any ſuch natural ſuperiority amongſt brethren. The law of *Moſes* gave a double portion of the goods and poſſeſſions to the eldeſt; but we find not any where that naturally, or by *God's inſtitution*, ſuperiority or dominion belonged to him, and the inſtances there brought by

by our author are but ſlender proofs of a right to civil power and dominion in the firſt-born, and do rather ſhew the contrary.

§. 112. His words are in the forecited place: *And therefore we find God told* Cain *of his brother* Abel; *his deſire ſhall be ſubject unto thee, and thou ſhalt rule over him.* To which I anſwer,

1. Theſe words of God to *Cain*, are by many interpreters, with great reaſon, underſtood in a quite different ſenſe than what our author uſes them in.

2. Whatever was meant by them, it could not be, that *Cain*, as elder, had a natural dominion over *Abel*; for the words are conditional, *If thou doſt well*; and ſo perſonal to *Cain*: and whatever was ſignified by them, did depend on his carriage, and not follow his birth-right; and therefore could by no means be an eſtabliſhment of dominion in the firſt-born in general: for before this *Abel* had his *diſtinct territories by right of private dominion*, as our author himſelf confeſſes, *Obſervations*, 210. which he could not have had to the prejudice of the heirs title, *if by divine inſtitution*, *Cain* as heir were to inherit all his father's dominion.

3. If this were intended by God as the charter of primogeniture, and the grant of dominion to elder brothers in general as ſuch, by right of inheritance, we might expect it ſhould have included all his brethren: for

we may well ſuppoſe, *Adam*, from whom the world was to be peopled, had by this time, that theſe were grown up to be men, more ſons than theſe two: whereas *Abel* himſelf is not ſo much as named; and the words in the original can ſcarce, with any good conſtruction, be applied to him.

4. It is too much to build a doctrine of ſo mighty conſequence upon ſo doubtful and obſcure a place of ſcripture, which may be well, nay better, underſtood in a quite different ſenſe, and ſo can be but an ill proof, being as doubtful as the thing to be proved by it; eſpecially when there is nothing elſe in ſcripture or reaſon to be found, that favours or ſupports it.

§. 113. It follows, p. 19. *Accordingly when* Jacob *bought his brother's birth-right*, Iſaac *bleſſed him thus; Be lord over thy brethren, and let the ſons of thy mother bow before thee.* Another inſtance, I take it, brought by our author to evince dominion due to birth-right, and an admirable one it is: for it muſt be no ordinary way of reaſoning in a man, that is pleading for the natural power of kings, and againſt all compact, to bring for proof of it, an example, where his own account of it founds all the right upon compact, and ſettles empire in the younger brother, unleſs buying and ſelling be no compact; for he tells us, *when* Jacob *bought his brother's birth-right*. But paſſing by that, let us conſider

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the hiſtory itſelf, with what uſe our author makes of it, and we ſhall find theſe following miſtakes about it.

1. That our author reports this, as if *Iſaac* had given *Jacob* this bleſſing, immediately upon his purchaſing the *birth-right*; for he ſays, *when Jacob bought, Iſaac bleſſed him*; which is plainly otherwiſe in the ſcripture: for it appears, there was a diſtance of time between, and if we will take the ſtory in the order it lies, it muſt be no ſmall diſtance; all *Iſaac*'s ſojourning in *Gerar*, and tranſactions with *Abimelech*, *Gen.* xxvi. coming between; *Rebecca* being then beautiful, and conſequently young; but *Iſaac*, when he bleſſed *Jacob*, was old and decrepit: and *Eſau* alſo complains of *Jacob*, *Gen.* xxvii. 36. that *two times* he had ſupplanted him; *He took away my birth-right*, ſays he, *and behold now he hath taken away my bleſſing*; words, that I think ſignify diſtance of time and difference of action.

2. Another miſtake of our author's is, that he ſuppoſes *Iſaac* gave *Jacob the bleſſing*, and bid him be *lord over his brethren*, becauſe he had the *birth-right*; for our author brings this example to prove, that he that has the *birth-right*, has thereby a right to *be lord over his brethren*. But it is alſo manifeſt by the text, that *Iſaac* had no conſideration of *Jacob*'s having bought the birth-right; for when he bleſſed him, he conſidered him not

as *Jacob*, but took him for *Esau*. Nor did *Esau* understand any such connection between *birth-right* and the *blessing*; for he says, *He hath supplanted me these two times, he took away my birth-right, and behold now he hath taken away my blessing*: whereas had the *blessing*, which was to be *lord over his brethren*, belonged to the *birth-right*, *Esau* could not have complained of this second, as a cheat, *Jacob* having got nothing but what *Esau* had sold him, when he sold him his *birth-right*; so that it is plain, dominion, if these words signify it, was not understood to belong to the *birth-right*.

§. 114. And that in those days of the patriarchs, dominion was not understood to be the right of the heir, but only a greater portion of goods, is plain from *Gen.* xxi. 10. for *Sarah*, taking *Isaac* to be heir, says, *Cast out this bondwoman and her son, for the son of this bondwoman shall not be heir with my son*: whereby could be meant nothing, but that he should not have a pretence to an equal share of his father's estate after his death, but should have his portion presently, and be gone. Accordingly we read, *Gen.* xxv. 5, 6. That *Abraham gave all that he had unto Isaac, but unto the sons of the concubines which Abraham had, Abraham gave gifts, and sent them away from Isaac his son, while he yet lived.* That is, *Abraham* having given portions to all his other sons, and sent them away,

away, that which he had reſerved, being the greateſt part of his ſubſtance, *Iſaac* as heir poſſeſſed after his death: but by being heir, he had no right to be *lord over his brethren*; for if he had, why ſhould *Sarah* endeavour to rob him of one of his *ſubjects*, or leſſen the number of his *ſlaves*, by deſiring to have *Iſhmael* ſent away?

§. 115. Thus, as under the law, the privilege of *birth-right* was nothing but a double portion: ſo we ſee that before *Moſes*, in the patriarchs time, from whence our author pretends to take his model, there was no knowledge, no thought, that birth-right gave rule or empire, paternal or kingly authority, to any one over his brethren. If this be not plain enough in the ſtory of *Iſaac* and *Iſhmael*, he that will look into 1 *Chron.* v. 12. may there read theſe words: *Reuben was the firſt-born; but foraſmuch as he defiled his father's bed, his birth-right was given unto the ſons of Joſeph, the ſon of Iſrael: and the genealogy is not to be reckoned after the birth-right; for Judah prevailed above his brethren, and of him came the chief ruler; but the birth-right was Joſeph's.* What this birth-right was, *Jacob* bleſſing *Joſeph*, *Gen.* xlviii. 22. telleth us in theſe words, *Moreover I have given thee one portion above thy brethren, which I took out of the hand of the Amorite, with my ſword and with my bow.* Whereby it is not only plain, that the birth-right was nothing but a double

portion; but the text in *Chronicles* is expreſs againſt our author's doctrine, and ſhews that dominion was no part of the birth-right; for it tells us, that *Joſeph* had the birth-right, but *Judah* the dominion. One would think our author were very fond of the very name of *birth-right*, when he brings this inſtance of *Jacob* and *Eſau*, to prove that dominion belongs to the heir over his brethren.

§. 116. 1. Becauſe it will be but an ill example to prove, that dominion by God's ordination belonged to the eldeſt ſon, becauſe *Jacob* the youngeſt here had it, let him come by it how he would: for if it prove any thing, it can only prove, againſt our author, that the *aſſignment of dominion to the eldeſt is not by divine inſtitution*, which would then be unalterable: for if by the law of God, or nature, abſolute power and empire belongs to the eldeſt ſon and his heirs, ſo that they are ſupreme monarchs, and all the reſt of their brethren ſlaves, our author gives us reaſon to doubt whether the eldeſt ſon has a power to part with it, to the prejudice of his poſterity, ſince he tells us, *Obſervations*, 158. That *in grants and gifts that have their original from God or nature, no inferior power of man can limit, or make any law of preſcription againſt them.*

§. 117. 2. Becauſe this place, *Gen.* xxvii. 29. brought by our author, concerns not at all the dominion of one brother over the

other, nor the ſubjection of *Eſau* to *Jacob*: for it is plain in the hiſtory, that *Eſau* was never ſubject to *Jacob*, but lived apart in mount *Seir*, where he founded a diſtinct people and government, and was himſelf prince over them, as much as *Jacob* was in his own family. This text, if conſidered, can never be underſtood of *Eſau* himſelf, or the perſonal dominion of *Jacob* over him: for the words *brethren* and *ſons of thy mother*, could not be uſed literally by *Iſaac*, who knew *Jacob* had only one brother; and theſe words are ſo far from being true in a literal ſenſe, or eſtabliſhing any dominion in *Jacob* over *Eſau*, that in the ſtory we find the quite contrary, for *Gen.* xxxii. *Jacob* ſeveral times calls *Eſau* lord, and himſelf his ſervant; and *Gen.* xxxiii. *he bowed himſelf ſeven times to the ground to* Eſau. Whether *Eſau* then were a ſubject and vaſſal (nay, as our author tells us, all ſubjects are ſlaves) to *Jacob*, and *Jacob* his ſovereign prince by birth-right, I leave the reader to judge; and to believe if he can, that theſe words of *Iſaac*, *Be lord over thy brethren, and let thy mother's ſons bow down to thee*, confirmed *Jacob* in a ſovereignty over *Eſau*, upon the account of the *birth-right* he had got from him.

§. 118. He that reads the ſtory of *Jacob* and *Eſau*, will find there was never any juriſdiction or authority, that either of them had over the other after their father's death: they

lived with the friendſhip and equality of brethren, neither *lord*, neither *ſlave* to his brother; but independent each of other, were both heads of their diſtinct families, where they received no laws from one another, but lived ſeparately, and were the roots out of which ſprang two diſtinct people under two diſtinct governments. This bleſſing then of *Iſaac*, whereon our author would build the dominion of the elder brother, ſignifies no more, but what *Rebecca* had been told from God, *Gen.* xxv. 23. *Two nations are in thy womb, and two manner of people ſhall be ſeparated from thy bowels, and the one people ſhall be ſtronger than the other people, and the elder ſhall ſerve the younger*; and ſo *Jacob* bleſſed *Judah*, *Gen.* xlix. and gave him the *ſcepter* and *dominion*, from whence our author might have argued as well, that juriſdiction and dominion belongs to the third ſon over his brethren, as well as from this bleſſing of *Iſaac*, that it belonged to *Jacob*: both theſe places contain only predictions of what ſhould long after happen to their poſterities, and not any declaration of the right of inheritance to dominion in either. And thus we have our author's two great and only arguments to prove, that *heirs are lords over their brethren*.

1. Becauſe God tells *Cain*, *Gen.* iv. that however ſin might ſet upon him, he ought or might be maſter of it: for the moſt learned

interpreters

interpreters underſtood the words of ſin, and not of *Abel*, and give ſo ſtrong reaſons for it, that nothing can convincingly be inferred, from ſo doubtful a text, to our author's purpoſe.

2. Becauſe in this of *Gen.* xxvii. *Iſaac* foretels that the *Iſraelites*, the poſterity of *Jacob*, ſhould have dominion over the *Edomites*, the poſterity of *Eſau*; therefore ſays our author, *heirs are lords of their brethren*: I leave any one to judge of the concluſion.

§. 119. And now we ſee how our author has provided for the deſcending, and conveyance down of *Adam*'s monarchical power, or paternal dominion to poſterity, by the inheritance of his *heir*, ſucceeding to all his father's authority, and becoming upon his death as much lord as his father was, *not only over his own children, but over his brethren*, and all deſcended from his father, and ſo *in infinitum*. But yet who this heir is, he does not once tell us; and all the light we have from him in this ſo fundamental a point, is only, that in his inſtance of *Jacob*, by uſing the word *birth-right*, as that which paſſed from *Eſau* to *Jacob*, he leaves us to gueſs, that by heir, he means the eldeſt ſon; though I do not remember he any where mentions expreſly the title of the firſt-born, but all along keeps himſelf under the ſhelter of the indefinite term *heir*. But taking it to be his meaning, that the eldeſt ſon is heir,

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(for if the eldeſt be not, there will be no pretence why the ſons ſhould not be all *heirs* alike) and ſo by right of primogeniture has dominion over his brethren; this is but one ſtep towards the ſettlement of ſucceſſion, and the difficulties remain ſtill as much as ever, till he can ſhew us who is meant by right heir, in all thoſe caſes which may happen where the preſent poſſeſſor hath no ſon. This he ſilently paſſes over, and perhaps wiſely too: for what can be wiſer, after one has affirmed, that *the perſon having that power, as well as the power and form of government, is the ordinance of God, and by divine inſtitution*, vid. *Obſervations*, 254. p. 12. than to be careful, not to ſtart any queſtion concerning the perſon, the reſolution whereof will certainly lead him into a confeſſion, that God and nature hath determined nothing about him? And if our author cannot ſhew who by right of nature, or a clear poſitive law of God, has the next right to inherit the dominion of this natural monarch he has been at ſuch pains about, when he died without a ſon, he might have ſpared his pains in all the reſt, it being more neceſſary for the ſettling men's conſciences, and determining their ſubjection and allegiance, to ſhew them who by original right, ſuperior and antecedent to the will, or any act of men, hath a title to this *paternal juriſdiction*, than it is to ſhew that by nature there was

ſuch

ſuch a *juriſdiction*; it being to no purpoſe for me to know there is ſuch a *paternal power*, which I ought, and am diſpoſed to obey, unleſs, where there are many pretenders, I alſo know the perſon that is rightfully inveſted and endowed with it.

§. 120. For the main matter in queſtion being concerning the duty of my obedience, and the obligation of conſcience I am under to pay it to him that is of right my lord and ruler, I muſt know the perſon that this right of paternal power reſides in, and ſo impowers him to claim obedience from me: for let it be true what he ſays, p. 12. That *civil power not only in general is by divine inſtitution, but even the aſſignment of it ſpecially to the eldeſt parents*; and *Obſervations*, 254. *That not only the power or right of government, but the form of the power of governing, and the perſon having that power, are all the ordinance of God*; yet unleſs he ſhew us in all caſes who is this perſon, *ordained* by God, who is this *eldeſt parent*; all his abſtract notions of monarchical power will ſignify juſt nothing, when they are to be reduced to practice, and men are conſcientiouſly to pay their obedience: for *paternal juriſdiction* being not the thing to be obeyed, becauſe it cannot command, but is only that which gives one man a right which another hath not, and if it come by inheritance, another man cannot have, to command and

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be obeyed; it is ridiculous to ſay, I pay obedience to the *paternal power*, when I obey him, to whom paternal power gives no right to my obedience: for he can have no divine right to my obedience, who cannot ſhew his divine right to the power of ruling over me, as well as that by divine right there is ſuch a power in the world.

§. 121. And hence not being able to make out any prince's title to government, as heir to *Adam*, which therefore is of no uſe, and had been better let alone, he is fain to reſolve all into preſent poſſeſſion, and makes civil obedience as due to an *uſurper*, as to a lawful king; and thereby the *uſurper*'s title as good. His words are, *Obſervations*, 253. and they deſerve to be remembered: *If an uſurper diſpoſſeſs the true heir, the ſubjects obedience to the fatherly power muſt go along, and wait upon God's providence.* But I ſhall leave his title of uſurpers to be examined in its due place, and deſire my ſober reader to conſider what thanks princes owe ſuch politics as this, which can ſuppoſe *paternal power* (*i. e.*) a right to government in the hands of a *Cade*, or a *Cromwell*; and ſo all obedience being due to paternal power, the obedience of ſubjects will be due to them, by the ſame right, and upon as good grounds, as it is to lawful princes; and yet this, as dangerous a doctrine as it is, muſt neceſſarily follow from making all political power to be nothing elſe, but

Adam's

Adam's paternal power by right and divine *inſtitution*, deſcending from him without being able to ſhew to whom it deſcended, or who is heir to it.

§. 122. To ſettle government in the world, and to lay obligations to obedience on any man's conſcience, it is as neceſſary (ſuppoſing with our author that all power be nothing but the being poſſeſſed of *Adam's fatherhood*) to ſatisfy him, who has a right to this *power*, this *fatherhood*, when the poſſeſſor dies without ſons to ſucceed immediately to it, as it was to tell him, that upon the death of the father, the eldeſt ſon had a right to it: for it is ſtill to be remembered, that the great queſtion is, (and that which our author would be thought to contend for, if he did not ſometimes forget it) what perſons have a right to be obeyed, and not whether there be a power in the world, which is to be called *paternal*, without knowing in whom it reſides: for ſo it be a power, *i. e.* right to govern, it matters not, whether it be termed *paternal* or *regal*, *natural* or *acquired*; whether you call it *ſupreme fatherhood*, or *ſupreme brotherhood*, will be all one, provided we know who has it.

§. 123. I go on then to aſk, whether in the inheriting of this *paternal power*, this *ſupreme fatherhood*, the grandſon by a daughter hath a right before a nephew by a brother? Whether the grandſon by the eldeſt ſon, being an infant,

infant, before the younger ſon, a man and able? Whether the daughter before the uncle? or any other man, deſcended by a male line? Whether a grandſon by a younger daughter, before a grand-daughter by an elder daughter? Whether the elder ſon by a concubine, before a younger ſon by a wife? From whence alſo will ariſe many queſtions of legitimation, and what in nature is the difference betwixt a wife and a concubine? for as to the municipal or poſitive laws of men, they can ſignify nothing here. It may farther be aſked, Whether the eldeſt ſon, being a fool, ſhall inherit this *paternal power*, before the younger, a wiſe man? and what degree of folly it muſt be that ſhall exclude him? and who ſhall be judge of it? Whether the ſon of a fool, excluded for his folly, before the ſon of his wiſe brother who reigned? Who has the *paternal power* whilſt the widow-queen is with child by the deceaſed king, and no body knows whether it will be a ſon or a daughter? Which ſhall be heir of the two male-twins, who by the diſſection of the mother were laid open to the world? Whether a ſiſter by the half blood, before a brother's daughter by the whole blood?

§. 124. Theſe, and many more ſuch doubts, might be propoſed about the titles of ſucceſſion, and the right of inheritance; and that not as idle ſpeculations, but ſuch as in hiſtory

hiſtory we ſhall find have concerned the inheritance of crowns and kingdoms; and if our's want them, we need not go farther for famous examples of it, than the other kingdom in this very iſland, which having been fully related by the ingenious and learned author of *Patriarcha non Monarcha*, I need ſay no more of. Till our author hath reſolved all the doubts that may ariſe about the next heir, and ſhewed that they are plainly determined by the law of nature, or the revealed law of God, all his ſuppoſitions of a *monarchical, abſolute, ſupreme, paternal power* in *Adam*, and the deſcent of that power to his heirs, would not be of the leaſt uſe to eſtabliſh the authority, or make out the title, of any one prince now on earth; but would rather unſettle and bring all into queſtion: for let our author tell us as long as he pleaſes, and let all men believe it too, that *Adam* had a *paternal*, and thereby a *monarchical power*; that this (the only *power* in the world) *deſcended to his heirs*; and that there is no other power in the world but this: let this be all as clear demonſtration, as it is manifeſt error, yet if it be not paſt doubt, to whom this *paternal power deſcends*, and whoſe now it is, no body can be under any obligation of *obedience*, unleſs any one will ſay, that I am bound to pay obedience to *paternal power* in a man who has no more *paternal power* than I myſelf; which is all one as to ſay, I obey a man, becauſe he has a right to govern;

and

and if I be asked, how I know he has a right to govern, I should answer, it cannot be known, that he has any at all: for that cannot be the reason of my obedience, which I know not to be so; much less can that be a reason of my obedience, which no body at all can know to be so.

§. 125. And therefore all this ado about *Adam*'s *fatherhood*, the greatness of its power, and the necessity of its supposal, helps nothing to establish the power of those that govern, or to determine the obedience of subjects who are to obey, if they cannot tell whom they are to obey, or it cannot be known who are to govern, and who to obey. In the state the world is now, it is irrecoverably ignorant, who is *Adam*'s heir. This *fatherhood*, this *monarchical power of Adam*, descending to his heirs, would be of no more use to the government of mankind, than it would be to the quieting of mens consciences, or securing their healths, if our author had assured them, that *Adam* had a *power* to forgive sins, or cure diseases, which by divine institution descended to his *heir*, whilst this heir is impossible to be known. And should not he do as rationally, who upon this assurance of our author went and confessed his sins, and expected a good absolution; or took physic with expectation of health, from any one who had taken on himself the name of priest or physician, or thrust himself into those employments, saying, I acquiesce in

the abſolving power deſcending from *Adam*, or I ſhall be cured by the medicinal power deſcending from *Adam*; as he who ſays, I ſubmit to and obey the *paternal power* deſcending from *Adam*, when it is confeſſed all theſe powers deſcend only to his ſingle heir, and that heir is unknown?

§. 126. It is true, the civil lawyers have pretended to determine ſome of theſe caſes concerning the ſucceſſion of princes; but by our author's principles, they have meddled in a matter that belongs not to them: for if all political power be derived only from *Adam*, and be to deſcend only to his ſucceſſive heirs, by the *ordinance of God* and *divine inſtitution*, this is a right antecedent and paramount to all government; and therefore the poſitive laws of men cannot determine that, which is itſelf the foundation of all law and government, and is to receive its rule only from the law of God and nature. And that being ſilent in the caſe, I am apt to think there is no ſuch right to be conveyed this way: I am ſure it would be to no purpoſe if there were, and men would be more at a loſs concerning government, and obedience to governors, than if there were no ſuch right; ſince by poſitive laws and compact, which *divine inſtitution* (if there be any) ſhuts out, all theſe endleſs inextricable doubts can be ſafely provided againſt: but it can never be underſtood, how a divine natural right, and that of ſuch moment as is all order and peace in the world, ſhould be con-

veyed down to poſterity, without any plain natural or divine rule concerning it. And there would be an end of all civil government, if the *aſſignment* of civil power were by *divine inſtitution* to the heir, and yet *by that divine inſtitution* the perſon of the heir could not be known. This *paternal regal power* being by divine right only his, it leaves no room for human prudence, or conſent, to place it any where elſe; for if only one man hath a divine right to the obedience of mankind, no body can claim that obedience, but he that can ſhew that right; nor can men's conſciences by any other pretence be obliged to it. And thus this doctrine cuts up all government by the roots.

§. 127. Thus we ſee how our author, laying it for a ſure foundation, that the very *perſon* that is to rule, is the *ordinance* of God, and by *divine inſtitution*, tells us at large, only that this perſon is the *heir*, but who this heir is, he leaves us to gueſs; and ſo this *divine inſtitution*, which aſſigns it to a perſon whom we have no rule to know, is juſt as good as an aſſignment to no body at all. But whatever our author does, *divine inſtitution* makes no ſuch ridiculous aſſignments: nor can God be ſuppoſed to make it a ſacred law, that one certain perſon ſhould have a right to ſomething, and yet not give rules to mark out, and know that perſon by, or give an *heir* a divine right to power, and yet not point out who that *heir* is. It is rather to be thought, that an

heir

heir had no ſuch right by *divine inſtitution*, than that God ſhould give ſuch a right to the *heir*, but yet leave it doubtful and undeterminable who ſuch heir is.

§. 128. If God had given the land of *Canaan* to *Abraham*, and in general terms to ſome body after him, without naming his ſeed, whereby it might be known who that ſomebody was, it would have been as good and uſeful an aſſignment, to determine the right to the land of *Canaan*, as it would be the determining the right of crowns, to give empire to *Adam* and his ſucceſſive heirs after him, without telling who his heir is: for the word *heir*, without a rule to know who it is, ſignifies no more than ſome body, I know not whom. God making it a *divine inſtitution*, that men ſhould not marry thoſe who were *near of kin*, thinks it not enough to ſay, *None of you ſhall approach to any that is near of kin to him, to uncover their nakedneſs*; but moreover, gives rules to know who are thoſe *near of kin*, forbidden by *divine inſtitution*; or elſe that law would have been of no uſe, it being to no purpoſe to lay reſtraint, or give privileges to men, in ſuch general terms, as the particular perſon concerned cannot be known by. But God not having any where ſaid, the next heir ſhall inherit all his father's eſtate or dominion, we are not to wonder, that he hath no where appointed who that heir ſhould be; for never having intended any ſuch thing, never de-

ſigned any heir in that ſenſe, we cannot expect he ſhould any where nominate, or appoint any perſon to it, as we might, had it been otherwiſe. And therefore in ſcripture, though the word *heir* occur, yet there is no ſuch thing as heir in our author's ſenſe, one that was by right of nature to inherit all that his father had, excluſive of his brethren. Hence *Sarah* ſuppoſes, that if *Iſhmael* ſtaid in the houſe, to ſhare in *Abraham*'s eſtate after his death, this ſon of a bond-woman might be heir with *Iſaac*; and therefore, ſays ſhe, *caſt out this bond-woman and her ſon, for the ſon of this bond-woman ſhall not be heir with my ſon:* but this cannot excuſe our author, who telling us there is, in every number of men, one who is right and next *heir* to *Adam*, ought to have told us what the laws of deſcent are: but he having been ſo ſparing to inſtruct us by rules, how to know who is *heir*, let us ſee in the next place, what his hiſtory out of ſcripture, on which he pretends wholly to build his government, gives us in this neceſſary and fundamental point.

§. 129. Our author, to make good the title of his book, p. 13. begins his hiſtory of the deſcent of *Adam*'s regal power, p. 13. in theſe words: *This lordſhip which* Adam *by command had over the whole world, and by right deſcending from him, the patriarchs did enjoy, was a large,* &c. How does he prove that the patriarchs by deſcent did enjoy it? for

for *dominion of life and death*, ſays he, *we find* Judah *the father pronounced ſentence of death againſt* Thamar *his daughter in law for playing the harlot*, p. 13. How does this prove that *Judah* had abſolute and ſovereign authority? *he pronounced ſentence of death*. The pronouncing of ſentence of death is not a certain mark of ſovereignty, but uſually the office of inferior magiſtrates. The power of making laws of life and death is indeed a mark of ſovereignty, but pronouncing the ſentence according to thoſe laws may be done by others, and therefore this will but ill prove that he had ſovereign authority: as if one ſhould ſay, *Judge Jefferies* pronounced ſentence of death in the late times, therefore *Judge Jefferies* had ſovereign authority. But it will be ſaid, *Judah* did it not by commiſſion from another, and therefore did it in his own right. Who knows whether he had any right at all? Heat of paſſion might carry him to do that which he had no authority to do. *Judah had dominion of life and death*: how does that appear? He exerciſed it, he *pronounced ſentence of death againſt* Thamar: our author thinks it is very good proof, that becauſe he did it, therefore he had a right to do it: he lay with her alſo: by the ſame way of proof, he had a right to do that too. If the conſequence be good from doing to a right of doing, *Abſalom* too may be reckoned amongſt our author's ſove-

reigns, for he pronounced ſuch a ſentence of death againſt his brother *Amnon*, and much upon a like occaſion, and had it executed too, if that be ſufficient to prove a dominion of life and death.

But allowing this all to be clear demonſtration of ſovereign power, who was it that had this *lordſhip by right deſcending to him from* Adam, *as large and ample as the abſoluteſt dominion of any monarch?* *Judah*, ſays our author, *Judah* a younger ſon of *Jacob*, his father and elder brethren living; ſo that if our author's own proof be to be taken, a younger brother may, in the life of his father and elder brothers, *by right of deſcent, enjoy* Adam's *monarchical power*; and if one ſo qualified may be monarch by deſcent, why may not every man? if *Judah*, his father and elder brother living, were one of *Adam*'s heirs, I know not who can be excluded from this inheritance; all men by inheritance may be monarchs as well as *Judah*.

§. 130. *Touching war, we ſee that* Abraham *commanded an army of* 318 *ſoldiers of his own family, and* Eſau *met his brother* Jacob *with* 400 *men at arms: for matter of peace,* Abraham *made a league with* Abimelech, *&c.* p. 13. Is it not poſſible for a man to have 318 men in his family, without being heir to *Adam?* A planter in the *Weſt Indies* has more, and might, if he pleaſed, (who doubts?) muſter them up and lead them out againſt

againſt the *Indians*, to ſeek reparation upon any injury received from them; and all this without the *abſolute dominion of a monarch, deſcending to him from* Adam. Would it not be an admirable argument to prove, that all power by God's inſtitution deſcended from *Adam* by inheritance, and that the very perſon and power of this planter were the *ordinance of God*, becauſe he had power in his family over ſervants, born in his houſe, and bought with his money? For this was juſt *Abraham*'s caſe; thoſe who were rich in the *patriarch*'s days, as in the *Weſt Indies* now, bought *men* and *maid ſervants*, and by their increaſe, as well as purchaſing of new, came to have large and numerous families, which though they made uſe of in war or peace, can it be thought the power they had over them was an inheritance deſcended from *Adam*, when it was the purchaſe of their money? A man's riding in an expedition againſt an enemy, his horſe bought in a fair would be as good a proof that the owner *enjoyed the lordſhip which* Adam *by command had over the whole world, by right deſcending to him*, as *Abraham*'s leading out the ſervants of his family is, that the *patriarchs* enjoyed this lordſhip by deſcent from *Adam*: ſince the title to the power, the maſter had in both caſes, whether over ſlaves or horſes, was only from his purchaſe; and the getting a dominion over any thing by bargain and money,

money, is a new way of proving one had it by deſcent and inheritance.

§. 131. *But making war and peace are marks of ſovereignty.* Let it be ſo in politic ſocities: may not therefore a man in the *Weſt Indies*, who hath with him ſons of his own, friends, or companions, ſoldiers under pay, or ſlaves bought with money, or perhaps a band made up of all theſe, make war and peace, if there ſhould be occaſion, and *ratify the articles too with an oath*, without being a ſovereign, an abſolute king over thoſe who went with him? He that ſays he cannot, muſt then allow many maſters of ſhips, many private planters, to be abſolute monarchs, for as much as this they have done. War and peace cannot be made for politic ſocieties, but by the ſupreme power of ſuch ſocieties; becauſe war and peace, giving a different motion to the force of ſuch a politic body, none can make war or peace, but that which has the direction of the force of the whole body, and that in politic ſocieties is only the ſupreme power. In voluntary ſocieties for the time, he that has ſuch a power by conſent, may make war and peace, and ſo may a ſingle man for himſelf, the ſtate of war not conſiſting in the number of *partiſans*, but the enmity of the parties, where they have no ſuperior to appeal to.

§. 132. The actual making of war or peace is no proof of any other power, but only

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of diſpoſing thoſe to exerciſe or ceaſe acts of enmity for whom he makes it; and this power in many caſes any one may have without any politic ſupremacy: and therefore the making of war or peace will not prove that every one that does ſo is a politic ruler, much leſs a king; for then common-wealths muſt be kings too, for they do as certainly make war and peace as monarchical government.

§. 133. But granting this a *mark of ſovereignty* in *Abraham*, is it a proof of the deſcent to him of *Adam's ſovereignty* over the whole world? If it be, it will ſurely be as good a proof of the *deſcent of* Adam's *lordſhip* to others too. And then common-wealths, as well as *Abraham*, will be *heirs of Adam*, for they make *war and peace*, as well as he. If you ſay, that the *lordſhip of Adam* doth not by right deſcend to common-wealths, though they make war and peace, the ſame ſay I of *Abraham*, and then there is an end of your argument: if you ſtand to your argument and ſay thoſe that do make war and peace, as common-wealths do without doubt, do *inherit* Adam's *lordſhip*, there is an end of your monarchy, unleſs you will ſay, that common-wealths *by deſcent enjoying* Adam's *lordſhip* are monarchies; and that indeed would be a new way of making all the governments in the world monarchical.

§. 134

§. 134. To give our author the honour of this new invention, for I confeſs it is not I have firſt found it out by tracing his principles, and ſo charged it on him, it is fit my readers know that (as abſurd as it may ſeem) he teaches it himſelf, p. 23. where he ingenuouſly ſays, *In all kingdoms and common-wealths in the world, whether the prince be the ſupreme father of the people, or but the true heir to ſuch a father, or come to the crown by uſurpation or election, or whether ſome few or a multitude govern the common-wealth; yet ſtill the authority that is in any one, or in many, or in all theſe, is the only right, and natural authority of a ſupreme father*; which right of *fatherhood*, he often tells us, is *regal and royal authority*; as particularly, p. 12. the page immediately preceding this inſtance of *Abraham*. This regal authority, he ſays, thoſe that govern common-wealths have; and if it be true, that regal and royal authority be in thoſe that govern common-wealths, it is as true that common-wealths are governed by kings; for if regal authority be in him that governs, he that governs muſt needs be a king, and ſo all common-wealths are nothing but down-right monarchies; and then what need any more ado about the matter? The governments of the world are as they ſhould be, there is nothing but monarchy in it. This, without doubt, was the ſureſt way our author could have found, to turn all other

other governments, but monarchical, out of the world.

§. 135. But all this ſcarce proves *Abraham* to have been a king as heir to *Adam*. If by inheritance he had been king, *Lot*, who was of the ſame family, muſt needs have been his ſubject, by that title, before the ſervants in his family; but we ſee they lived as friends and equals, and when their herdſmen could not agree, there was no pretence of juriſdiction or ſuperiority between them, but they parted by conſent, *Gen.* xiii. hence he is called both by *Abraham*, and by the text, *Abraham's brother*, the name of friendſhip and equality, and not of juriſdiction and authority, though he were really but his nephew. And if our author knows that *Abraham* was *Adam*'s heir, and a king, it was more, it ſeems, than *Abraham* himſelf knew, or his ſervant whom he ſent a wooing for his ſon; for when he ſets out the advantages of the match, xxiv. *Gen.* 35. thereby to prevail with the young woman and her friends, he ſays, *I am Abraham's ſervant, and the lord hath bleſſed my maſter greatly, and he is become great; and he hath given him flocks and herds, and ſilver and gold, and men-ſervants and maid-ſervants, and camels and aſſes; and Sarah, my maſter's wife, bare a ſon to my maſter when ſhe was old, and unto him hath he given all he hath.* Can one think that a diſcreet ſervant, that was thus particular to ſet out his maſter's greatneſs,

greatneſs, would have omitted the crown *Iſaac* was to have, if he had known of any ſuch? Can it be imagined he ſhould have neglected to have told them on ſuch an occaſion as this, that *Abraham* was a king, a name well known at that time, for he had nine of them his neighbours, if he or his maſter had thought any ſuch thing, the likelieſt matter of all the reſt, to make his errand ſucceſsful?

§. 136. But this diſcovery it ſeems was reſerved for our author to make 2 or 3000 years after, and let him enjoy the credit of it; only he ſhould have taken care that ſome of *Adam*'s land ſhould have deſcended to this his *heir*, as well as all *Adam*'s lordſhip: for though this lordſhip which *Abraham*, (if we may believe our author) as well as the other patriarchs, *by right deſcending to him, did enjoy, was as large and ample as the abſoluteſt dominion of any monarch which hath been ſince the creation*; yet his eſtate, his territories, his dominions were very narrow and ſcanty, for he had not the poſſeſſion of a foot of land, till he bought a field and a cave of the ſons of *Heth* to bury *Sarah* in.

§. 137. The inſtance of *Eſau* joined with this of *Abraham*, to prove that the *lordſhip which* Adam *had over the whole world, by right deſcending from him, the patriarchs did enjoy*, is yet more pleaſant than the former. *Eſau met his brother* Jacob *with* 400 *men at arms*; he

 therefore

therefore was a king by right of heir to *Adam*. Four hundred armed men then, however got together, are enough to prove him that leads them, to be a king and *Adam*'s heir. There have been tories in *Ireland*, (whatever there are in other countries) who would have thanked our author for ſo honourable an opinion of them, eſpecially if there had been no body near with a better title of 500 armed men, to queſtion their royal authority of 400. It is a ſhame for men to trifle ſo, to ſay no worſe of it, in ſo ſerious an argument. Here *Eſau* is brought as a proof that *Adam*'s lordſhip, *Adam's abſolute dominion, as large as that of any monarch, deſcended by right to the patriarchs*, and in this very *chap*. p. 19. *Jacob* is brought as an inſtance of one, that by *birth-right was lord over his brethren*. So we have here two brothers abſolute monarchs by the ſame title, and at the ſame time heirs to *Adam*; the eldeſt, heir to *Adam*, becauſe he met his brother with 400 men; and the youngeſt, heir to *Adam* by *birth-right*: Eſau *enjoyed the lordſhip which* Adam *had over the whole world by right deſcending to him, in as large and ample manner, as the abſoluteſt dominion of any monarch*; and at the ſame time, *Jacob lord over him, by the right heirs have to be lords over their brethren. Riſum teneatis?* I never, I confeſs, met with any man of parts ſo dexterous as Sir *Robert* at this way of arguing: but it was his misfortune to

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light upon an *hypotheſis*, that could not be accommodated to the nature of things, and human affairs; his principles could not be made to agree with that conſtitution and order, which God had ſettled in the world, and therefore muſt needs often claſh with common ſenſe and experience.

§. 138. In the next ſection, he tells us, *This patriarchal power continued not only till the flood, but after it, as the name patriarch doth in part prove.* The word patriarch doth more than *in part prove*, that *patriarchal power* continued in the world as long as there were patriarchs, for it is neceſſary that patriarchal power ſhould be whilſt there are patriarchs; as it is neceſſary there ſhould be paternal or conjugal power whilſt there are fathers or huſbands; but this is but playing with names. That which he would fallaciouſly inſinuate is the thing in queſtion to be proved, *viz.* that the *lordſhip which* Adam *had over the world*, the ſuppoſed abſolute univerſal dominion of *Adam* by *right deſcending from him, the patriarchs did enjoy*. If he affirms ſuch an abſolute monarchy continued to the flood, in the world, I would be glad to know what records he has it from; for I confeſs I cannot find a word of it in my Bible: if by *patriarchal power* he means any thing elſe, it is nothing to the matter in hand. And how the name *patriarch* in ſome part proves, that thoſe, who are called by that name,

name, had absolute monarchical power, I confess, I do not see, and therefore I think needs no answer till the argument from it be made out a little clearer.

§. 139. *The three sons of* Noah *had the world, says our author, divided amongst them by their father, for of them was the whoe world overspread*, p. 14. The world might be overspread by the offspring of *Noah*'s sons, though he never divided the world amongst them; for the earth might be replenished without being divided: so that all our author's argument here proves no such division. However, I allow it to him, and then ask, the world being divided amongst them, which of the three was *Adam*'s heir? If *Adam's lordship, Adam's monarchy*, by right descended only to the eldest, then the other two could be but his *subjects*, his *slaves*: if by right it descended to all three brothers, by the same right, it will descend to all mankind; and then it will be impossible what he says, p. 19. that *heirs are lords of their brethren*, should be true; but all brothers, and consequently all men, will be equal and independent, all heirs to *Adam*'s monarchy, and consequently all monarchs too, one as much as another. But it will be said, *Noah* their father divided the world amongst them; so that our author will allow more to *Noah*, than he will to God almighty, for *Observations*, 211. he thought it hard, that God himself should give the world to *Noah* and his sons, to the prejudice of *Noah*'s birth-

right: his words are, *Noah was left ſole heir to the world: why ſhould it be thought that God would diſinherit him of his birth-right, and make him, & all men in the world, the only tenant in common with his children?* and yet here he thinksit fit that *Noah* ſhould diſinherit *Shem* of his birth-right, and divide the world betwixt him and his brethren; ſo that this *birth-right*, when our author pleaſes, muſt, and when he pleaſes muſt not, be ſacred and inviolable.

§. 140. If *Noah* did divide the world between his ſons, and his aſſignment of dominions to them were good, there is an end of divine inſtitution; all our author's diſcourſe of *Adam*'s heir, with whatſoever he builds on it, is quite out of doors; the natural power of kings falls to the ground; and then *the form of the power governing, and the perſon having that power, will not be* (as he ſays they are, *Obſervations*, 254.) *the ordinance of God*, but they will be *ordinances of man:* for if the right of the heir be the ordinance of God, a divine right, no man, father or not father, can alter it: if it be not a divine right, it is only human, depending on the will of man: and ſo where human inſtitution gives it not, the firſt-born has no right at all above his brethren; and men may put government into what hands, and under what form, they pleaſe.

§. 141. He goes on, *Moſt of the civileſt nations of the earth labour to fetch their original from*

from ſome of the ſons, or nephews of Noah, p. 14. How many do moſt of the civileſt nations amount to? and who are they? I fear the *Chineſes*, a very great and civil people, as well as ſeveral other people of the *Eaſt*, *Weſt*, *North* and *South*, trouble not themſelves much about this matter. All that believe the Bible, which I believe are our author's *moſt of the civileſt nations*, muſt neceſſarily derive themſelves from *Noah*; but for the reſt of the world, they think little of his ſons or nephews. But if the heralds and antiquaries of all nations, for it is theſe men generally that labour to find out the originals of nations, or all the nations themſelves, *ſhould labour to fetch their original from ſome of the ſons or nephews of* Noah, what would this be to prove, that the *lordſhip which* Adam *had over the whole world, by right deſcended to the patriarchs?* Whoever, nations, or races of men, *labour to fetch their original from*, may be concluded to be thought by them, men of renown, famous to poſterity, for the greatneſs of their virtues and actions; but beyond theſe they look not, nor conſider who they were heirs to, but look on them as ſuch as raiſed themſelves, by their own virtue, to a degree that would give a luſtre to thoſe who in future ages could pretend to derive themſelves from them. But if it were *Ogyges*, *Hercules*, *Brama*, *Tamberlain*, *Pharamond*; nay, if *Jupiter* and *Saturn* were the names,

from whence divers races of men, both ancient and modern, have laboured to derive their original; will that prove, that those men *enjoyed the lordship of* Adam, *by right descending to them?* If not, this is but a flourish of our author's to mislead his reader, that in itself signifies nothing.

§. 142. To as much purpose is what he tells us, p. 15. concerning this division of the world, *That some say it was by* Lot, *and others that* Noah *sailed round the* Mediterreanean *in ten years, and divided the world into* Asia, Afric *and* Europe, portions for his three sons. *America* then, it seems, was left to be his that could catch it. Why our author takes such pains to prove the division of the world by *Noah* to his sons, and will not leave out an imagination, though no better than a dream, that he can find any where to favour it, is hard to guess, since such a *division*, if it prove any thing, must necessarily take away the title of *Adam*'s heir; unless three brothers can all together be heirs of *Adam*; and therefore the following words, *Howsoever the manner of this division be uncertain, yet it is most certain the division itself was by families from* Noah *and his children, over which the parents were heads and princes*, p. 15. if allowed him to be true, and of any force to prove, that all the power in the world is nothing but the lordship *of* Adam's *descending by right*, they will only prove, that the

the fathers of the children are all heirs to this lordſhip of *Adam*: for if in thoſe days *Cham* and *Japhet*, and other parents, beſides the eldeſt ſon, were heads and princes over their families, and had a right to divide the earth by families, what hinders younger brothers, being fathers of families, from having the ſame right? If *Cham* and *Japhet* were princes by right deſcending to them, notwithſtanding any title of heir in their eldeſt brother, younger brothers by the ſame right deſcending to them are princes now; and ſo all our author's natural power of kings will reach no farther than their own children, and no kingdom, by this natural right, can be bigger than a family: for either this *lordſhip of* Adam *over the whole world*, by right deſcends only to the eldeſt ſon, and then there can be but one heir, as our author ſays, p. 19. or elſe, it by right deſcends to all the ſons equally, and then every father of a family will have it, as well as the three ſons of *Noah*: take which you will, it deſtroys the preſent governments and kingdoms, that are now in the world, ſince whoever has this *natural power of a king*, by right deſcending to him, muſt have it, either as our author tells us *Cain* had it, and be lord over his brethren, and ſo be alone king of the whole world; or elſe, as he tells us here, *Shem*, *Cham* and *Japhet* had it, three brothers, and ſo be only prince of his own family, and all

families independent one of another: all the world muſt be only one empire by the right of the next heir, or elſe every family be a diſtinct government of itſelf, by the *lordſhip of* Adam's *deſcending to parents of families*. And to this only tend all the proofs he here gives us of the deſcent of *Adam*'s lordſhip: for continuing his ſtory of this deſcent, he ſays,

§. 143. *In the diſperſion of* Babel, *we muſt certainly find the eſtabliſhment of royal power, throughout the kingdoms of the world*, p. 14. If you muſt find it, pray do, and you will help us to a new piece of hiſtory: but you muſt ſhew it us before we ſhall be bound to believe, that regal power was eſtabliſhed in the world upon your principles: for, that regal power was eſtabliſhed *in the kingdoms of the world*, I think no body will diſpute; but that there ſhould be kingdoms in the world, whoſe ſeveral kings enjoyed their crowns, *by right deſcending to them from* Adam, that we think not only *apocryphal*, but alſo utterly impoſſible. If our author has no better foundation for his monarchy than a ſuppoſition of what was done at the diſperſion of *Babel*, the monarchy he erects thereon, whoſe top is to reach to heaven to unite mankind, will ſerve only to divide and ſcatter them as that tower did; and, inſtead of eſtabliſhing civil government and order in the world, will produce nothing but confuſion.

§. 144.

§. 144. For he tells us, the *nations* they were divided into, *were distinct families, which had fathers for rulers over them; whereby it appears, that even in the confusion, God was careful to preserve the fatherly authority, by distributing the diversity of languages according to the diversity of families*, p. 14. It would have been a hard matter for any one but our author to have found out so plainly, in the text he here brings, that all the nations in that dispersion were governed by *fathers*, and that *God was careful to preserve the fatherly authority*. The words of the text are; *These are the sons of Shem after their families, after their tongues in their lands, after their nations*; and the same thing is said of *Cham* and *Japhet*, after an enumeration of their posterities; in all which there is not one word said of their governors, or forms of government; of *fathers*, or *fatherly authority*. But our author, who is very quick sighted to spy out *fatherhood*, where no body else could see any the least glimpses of it, tells us positively their *rulers were fathers, and God was careful to preserve the fatherly authority*; and why? Because those of the same family spoke the same language, and so of necessity in the division kept together. Just as if one should argue thus: *Hanibal* in his army, consisting of divers nations, kept those of the same language together; therefore fathers were captains of each band, and *Hanibal* was careful

of the *fatherly authority*: or in peopling of *Carolina*, the *Engliſh*, *French*, *Scotch* and *Welch* that are there, plant themſelves together, and by them the country is divided *in their lands after their tongues, after their families, after their nations*; therefore care was taken of the *fatherly authority*: or becauſe, in many parts of *America*, every little tribe was a diſtinct people, with a different language, one ſhould infer, that therefore *God was careful to preſerve the fatherly authority*, or that therefore their rulers *enjoyed* Adam's *lordſhip by right deſcending to them*, though we know not who were their governors, nor what their form of government, but only that they were divided into little independent ſocieties, ſpeaking different languages.

§. 145. The ſcripture ſays not a word of their rulers or forms of government, but only gives an account, how mankind came to be divided into diſtinct languages and nations; and therefore it is not to argue from the authority of ſcripture, to tell us poſitively, *fathers* were their *rulers*, when the ſcripture ſays no ſuch thing; but to ſet up fancies of one's own brain, when we confidently aver matter of fact, where records are utterly ſilent. Upon a like ground, *i. e.* none at all, he ſays, *That they were not confuſed multitudes without heads and governors, and at liberty to chooſe what governors or governments they pleaſed.*

§. 146.

§. 146. For I demand, when mankind were all yet of one language, all congregated in the plain of *Shinar*, were they then all under one monarch, *who enjoyed the lordſhip of* Adam *by right deſcending to him?* If they were not, there were then no thoughts, it is plain, of *Adam*'s *heir*, no right to government known then upon that title; no care taken, by God or man, of *Adam*'s *fatherly authority*. If when mankind were but one people, dwelt all together, and were of one language, and were upon building a city together; and when it was plain, they could not but know the right heir, for *Shem* lived till *Iſaac*'s time, a long while after the diviſion at *Babel*; if then, I ſay, they were not under the monarchical government of *Adam*'s fatherhood, by right deſcending to the heir, it is plain there was no regard had to the *fatherhood*, no monarchy acknowledged due to *Adam*'s *heir*, no empire of *Shem*'s in *Aſia*, and conſequently no ſuch diviſion of the world by *Noah*, as our author has talked of. As far as we can conclude any thing from ſcripture in this matter, it ſeems from this place, that if they had any government, it was rather a common-wealth than an abſolute monarchy: for the ſcripture tells us, *Gen.* xi. *They ſaid:* it was not a prince commanded the building of this city and tower, it was not by the command of one *monarch*, but by the conſultation of many, a free people; *let us build*

us a city: they built it for themſelves as free-men, not as ſlaves for their lord and maſter: *that we be not ſcattered abroad*; having a city once built, and fixed habitations to ſettle our abodes and families. This was the conſultation and deſign of a people, that were at liberty to part aſunder, but deſired to keep in one body, and could not have been either neceſſary or likely in men tied together under the government of one monarch, who if they had been, as our author tells us, all *ſlaves* under the abſolute dominion of a monarch, needed not have taken ſuch care to hinder themſelves from wandering out of the reach of his dominion. I demand whether this be not plainer in ſcripture than any thing of *Adam's heir or fatherly authority?*

§. 147. But if being, as God ſays, *Gen.* xi. 6. one people, they had one ruler, one king by natural right, abſolute and ſupreme over them, *what care had God to preſerve the paternal authority of the ſupreme fatherhood*, if on a ſudden he ſuffer 72 (for ſo many our author talks of) *diſtinct nations* to be erected out of it, under diſtinct governors, and at once to withdraw themſelves from the obedience of their ſovereign? This is to intitle God's care how, and to what we pleaſe. Can it be ſenſe to ſay, that God was careful to preſerve the *fatherly authority* in thoſe who had it not? for if theſe were ſubjects under a ſupreme prince, what authority had they? Was it an

inſtance

inſtance of God's care to preſerve the *fatherly authority*, when he took away the true *ſupreme fatherhood* of the natural monarch? Can it be reaſon to ſay, that God, for the preſervation of *fatherly authority*, lets ſeveral new governments with their governors ſtart up, who could not all have *fatherly authority?* And is it not as much reaſon to ſay, that God is careful to deſtroy *fatherly authority*, when he ſuffers one, who is in poſſeſſion of it, to have his government torn in pieces, and ſhared by ſeveral of his ſubjects? Would it not be an argument juſt like this, for monarchical government, to ſay, when any monarchy was ſhattered to pieces, and divided amongſt revolted ſubjects, that God was careful to preſerve monarchical power, by rending a ſettled empire into a multitude of little governments? If any one will ſay, that what happens in providence to be preſerved, God is careful to preſerve as a thing therefore to be eſteemed by men as neceſſary or uſeful, it is a peculiar propriety of ſpeech, which every one will not think fit to imitate: but this I am ſure is impoſſible to be either proper, or true ſpeaking, that *Shem*, for example, (for he was then alive,) ſhould have *fatherly authority*, or ſovereignty by right of *fatherhood*, over that one people at *Babel*, and that the next moment, *Shem* yet living, 72 others ſhould have *fatherly authority*, or ſovereignty by right of fatherhood, over the ſame people, divided into

into ſo many diſtinct governments: either theſe 72 fathers actually were rulers, juſt before the confuſion, and then they were not one people, but that God himſelf ſays they were; or elſe they were a common-wealth, and then where was monarchy? or elſe theſe 72 fathers had *fatherly authority*, but knew it not. Strange! that *fatherly authority* ſhould be the only original of government amongſt men, and yet all mankind not know it; and ſtranger yet, that the confuſion of tongues ſhould reveal it to them all of a ſudden, that in an inſtant theſe 72 ſhould know that they had *fatherly power*, and all others know that they were to obey it in them, and every one know that particular *fatherly authority* to which he was a ſubject. He that can think this arguing from ſcripture, may from thence make out what model of an *Eutopia* will beſt ſuit with his fancy or intereſt; and this *fatherhood*, thus diſpoſed of, will juſtify both a prince who claims an univerſal monarchy, and his ſubjects, who, being fathers of families, ſhall quit all ſubjection to him, and *canton* his empire into leſs governments for themſelves; for it will always remain a doubt in which of theſe the fatherly authority reſided, till our author reſolves us, whether *Shem*, who was then alive, or theſe 72 new princes, beginning ſo many new empires in his dominions, and over his ſubjects, had right to govern, ſince our author tells us,

that

that both one and the other had *fatherly*, which is ſupreme authority, and are brought in by him as inſtances of thoſe who did *enjoy the lordſhips of* Adam *by right deſcending to them, which was as large and ample as the abſoluteſt dominion of any monarch.* This at leaſt is unavoidable, that if *God was careful to preſerve the fatherly authority, in the 72 new-erected nations,* it neceſſarily follows, that he was as careful to deſtroy all pretences of *Adam*'s heir; ſince he took care, and therefore did preſerve the fatherly authority in ſo many, at leaſt 71, that could not poſſibly be *Adam*'s heirs, when the right heir (if God had ever ordained any ſuch inheritance) could not but be known, *Shem* then living, and they being all one people.

§. 148. *Nimrod* is his next inſtance of enjoying this patriarchal power, p. 16. but I know not for what reaſon our author ſeems a little unkind to him, and ſays, that he *againſt right enlarged his empire, by ſeizing violently on the rights of other lords of families.* Theſe *lords of families* here were called *fathers of families,* in his account of the diſperſion at *Babel:* but it matters not how they were called, ſo we know who they are; for this fatherly authority muſt be in them, either as heirs to *Adam,* and ſo there could not be 72, nor above one at once; or elſe as natural parents over their children, and ſo every father will have *paternal authority* over his

his children by the ſame right, and in as large extent as thoſe 72 had, and ſo be independent princes over their own offspring. Taking his *lords of families* in this later ſenſe, (as it is hard to give thoſe words any other ſenſe in this place) he gives us a very pretty account of the original of monarchy, in theſe following words, p. 16. *And in this ſenſe he may be ſaid to be the author and founder of monarchy*, viz. As againſt right ſeizing violently on the rights of fathers over their children; which paternal authority, if it be in them, by right of nature, (for elſe how could thoſe 72 come by it?) no body can take from them without their own conſents; and then I deſire our author and his friends to conſider, how far this will concern other princes, and whether it will not, according to his concluſion of that paragraph, reſolve all regal power of thoſe, whoſe dominions extend beyond their families, either into tyranny and uſurpation, or election and conſent of fathers of families, which will differ very little from conſent of the people.

§. 149. All his inſtances, in the next *ſection*, p. 17. of the 12 dukes of *Edom*, the nine kings in a little corner of *Aſia* in *Abraham*'s days, the 31 kings in *Canaan* deſtroyed by *Joſhua*, and the care he takes to prove that theſe were all ſovereign princes, and that every town in thoſe days had a king, are ſo many direct proofs againſt him, that it was

not the *lordſhip of* Adam *by right deſcending* to them, that made kings: for if they had held their royalties by that title, either there muſt have been but one ſovereign over them all, or elſe every father of a family had been as good a prince, and had as good a claim to royalty, as theſe: for if all the ſons of *Eſau* had each of them, the younger as well as the eldeſt, the right of *fatherhood*, and ſo were ſovereign princes after their fathers death, the ſame right had their ſons after them, and ſo on to all poſterity; which will limit all the natural power of fatherhood, only to be over the iſſue of their own bodies, and their deſcendents; which power of fatherhood dies with the head of each family, and makes way for the like power of fatherhood to take place in each of his ſons over their reſpective poſterities: whereby the power of fatherhood will be preſerved indeed, and is intelligible, but will not be at all to our author's purpoſe. None of the inſtances he brings are proofs of any power they had, as heirs of *Adam*'s paternal authority by the title of his fatherhood deſcending to them; no, nor of any power they had by virtue of their own: for *Adam*'s *fatherhood* being over all mankind, it could deſcend but to one at once, and from him to his right heir only, and ſo there could by that title be but one king in the world at a time: and by right of fatherhood, not deſcending from *Adam*, it muſt be only as they themſelves

ſelves were fathers, and ſo could be over none but their own poſterity. So that if thoſe 12 dukes of *Edom*; if *Abraham* and the nine kings his neighbours; if *Jacob* and *Eſau*, and the 31 kings in *Canaan*, the 72 kings mutilated by *Adonibeſeck*, the 32 kings that came to *Benhadad*, the 70 kings of *Greece* making war at *Troy*, were, as our author contends, all of them ſovereign princes; it is evident that kings derived their power from ſome other original *than fatherhood*, ſince ſome of theſe had power over more than their own poſterity; and it is demonſtration, they could not be all heirs to *Adam*: for I challenge any man to make any pretence to power by right of *fatherhood*, either intelligible or poſſible in any one, otherwiſe, than either as *Adam*'s heir, or as progenitor over his own deſcendents, naturally ſprung from him. And if our author could ſhew that any one of theſe princes, of which he gives us here ſo large a catalogue, had his authority by either of theſe titles, I think I might yield him the cauſe; though it is manifeſt they are all impertinent, and directly contrary to what he brings them to prove, *viz.* That the *lordſhip which* Adam *had over the world by right deſcended to the patriarchs.*

§. 150. Having told us, p. 16, That *the patriarchal government continued in* Abraham, Iſaac, *and* Jacob, *until the* Egyptian *bondage*, p. 17. he tells us, *By manifeſt footſteps we may trace this paternal government unto the*

Iſraelites *coming into* Egypt, *where the exerciſe of ſupreme patriarchal government was intermitted, becauſe they were in ſubjection to a ſtronger prince.* What theſe footſteps are of paternal government, in our author's ſenſe, *i. e.* of abſolute monarchical power deſcending from *Adam*, and exerciſed by right of *fatherhood*, we have ſeen, that is for 2290 years no footſteps at all; ſince in all that time he cannot produce any one example of any perſon who claimed or exerciſed regal authority by right of *fatherhood*; or ſhew any one who being a king was *Adam*'s heir: all that his proofs amount to, is only this, that there were fathers, patriarchs and kings, in that age of the world; but that the fathers and patriarchs had any abſolute arbitrary power, or by what titles thoſe kings had their's, and of what extent it was, the ſcripture is wholly ſilent; it is manifeſt by right of *fatherhood* they neither did, nor could claim any title to dominion and empire.

§. 151. To ſay, *that the exerciſe of ſupreme patriarchal government was intermitted, becauſe they were in ſubjection to a ſtronger prince*, proves nothing but what I before ſuſpected, *viz.* That *patriarchal juriſdiction or government* is a fallacious expreſſion, and does not in our author ſignify (what he would yet inſinuate by it) *paternal* and *regal power*, ſuch an abſolute ſovereignty as he ſuppoſes was in *Adam*.

§. 152.

§. 152. For how can he ſay that *patriarchal juriſdiction was intermitted in Egypt*, where there was a king, under whoſe regal government the *Iſraelites* were, if *patriarchal* were *abſolute monarchical juriſdiction?* And if it were not, but ſomething elſe, why does he make ſuch ado about a power not in queſtion, and nothing to the purpoſe? The exerciſe of *patriarchal* juriſdiction, if *patriarchal* be *regal*, was not intermitted whilſt the *Iſraelites* were in *Egypt*. It is true, the exerciſe of *regal* power was not then in the hands of any of the promiſed ſeed of *Abraham*, nor before neither that I know; but what is that to the intermiſſion of *regal authority*, *as deſcending from* Adam, unleſs our author will have it, that this choſen line of *Abraham* had the right of inheritance to *Adam*'s lordſhip? and then to what purpoſe are his inſtances of the 72 rulers, in whom the fatherly authority was preſerved in the confuſion at *Babel?* Why does he bring the 12 princes ſons of *Iſmael*; and the dukes of *Edom*, and join them with *Abraham*, *Iſaac*, and *Jacob*, as examples of the exerciſe of true *patriarchal government*, if the exerciſe of *patriarchal juriſdiction* were intermitted in the world, whenever the heirs of *Jacob* had not ſupreme power? I fear, *ſupreme patriarchal juriſdiction* was not only *intermitted*, but from the time of the *Egyptian* bondage quite loſt in the world, ſince it will

be

be hard to find, from that time downwards, any one who exercised it as an inheritance descending to him from the patriarchs *Abraham*, *Isaac*, and *Jacob*. I imagined monarchical government would have served his turn in the hands of *Pharaoh*, or any body. But one cannot easily discover in all places what his discourse tends to, as particularly in this place it is not obvious to guess what he drives at, when he says, *the exercise of supreme patriarchal jurisdiction* in *Egypt*, or how this serves to make out the descent of *Adam*'s lordship to the patriarchs, or any body else.

§. 153. For I thought he had been giving us out of scripture, proofs and examples of monarchical government, founded on paternal authority, descending from *Adam*; and not an history of the *Jews*: amongst whom yet we find no kings, till many years after they were a people: and when kings were their rulers, there is not the least mention or room for a pretence that they were heirs to *Adam*, or kings by paternal authority. I expected, talking so much as he does of scripture, that he would have produced thence a series of monarchs, whose titles were clear to *Adam's fatherhood*, and who, as heirs to him, owned and exercised paternal jurisdiction over their subjects, and that this was the true patriarchical government; whereas he neither proves, that the patriarchs were kings; nor that either kings or patriarchs

were heirs to *Adam*, or ſo much as pretended to it: and one may as well prove, that the patriarchs were all abſolute monarchs; that the power both of patriarchs and kings was only paternal; and that this power deſcended to them from *Adam*: I ſay all theſe propoſitions may be as well proved by a confuſed account of a multitude of little kings in the *Weſt-Indies*, out of *Ferdinando Soto*, or any of our late hiſtories of the *Northern America*, or by our author's 70 kings of *Greece*, out of *Homer*, as by any thing he brings out of ſcripture, in that multitude of kings he has reckoned up.

§. 154. And methinks he ſhould have let *Homer* and his wars of *Troy* alone, ſince his great zeal to truth or monarchy carried him to ſuch a pitch of tranſport againſt *philoſophers* and *poets*, that he tells us in his preface, that there *are too many in theſe days, who pleaſe themſelves in running after the opinions of philoſophers and poets, to find out ſuch an original of government, as might promiſe them ſome title to liberty, to the great ſcandal of Chriſtianity, and bringing in of atheiſm.* And yet theſe heathens, philoſopher *Ariſtotle*, and poet *Homer*, are not rejected by our zealous Chriſtian politician, whenever they offer any thing that ſeems to ſerve his turn; whether *to the great ſcandal of* Chriſtianity *and bringing in of* atheiſm, let him look. This I cannot but obſerve, in authors who it is viſible write not

not for truth, how ready zeal for intereſt and party is to entitle *Chriſtianity* to their deſigns, and to charge *atheiſm* on thoſe who will not without examining ſubmit to their doctrines, and blindly ſwallow their nonſenſe.

But to return to his ſcripture hiſtory, our author farther tells us, p. 18. that *after the return of the* Iſraelites *out of* bondage, *God, out of a ſpecial care of them, choſe* Moſes *and* Joſhua *ſucceſſively to govern as princes in the place and ſtead of the ſupreme fathers.* If it be true, that they *returned out of bondage*, it muſt be into a ſtate of freedom, and muſt imply, that both before and after this *bondage* they were free, unleſs our author will ſay, that changing of maſters is returning *out of bondage*; or that a ſlave *returns out of bondage*, when he is removed from one gally to another. If then they *returned out of bondage*, it is plain that in thoſe days, whatever our author in his preface ſays to the contrary, there were difference between a *ſon*, a *ſubject*, and a *ſlave*; and that neither the *patriarchs* before, nor their rulers after this *Egyptian bondage*, *numbered their ſons or ſubjects amongſt their poſſeſſions*, and diſpoſed of them with as abſolute a dominion, as they did *their other goods*.

§. 155. This is evident in *Jacob*, to whom *Reuben* offered his two ſons as pledges; and *Judah* was at laſt ſurety for *Benjamin*'s ſafe

return out of *Egypt*: which all had been vain, ſuperfluous, and but a ſort of mockery, if *Jacob* had had the ſame power over every one of his family, as he had over his ox or his aſs, as an *owner* over his *ſubſtance*; and the offers that *Reuben* or *Judah* made had been ſuch a ſecurity for returning of *Benjamin*, as if a man ſhould take two lambs out of his lord's flock, and offer one as ſecurity, that he will ſafely reſtore the other.

§. 156. When they were out of this *bondage*, what then? *God out of a ſpecial care of them, the* Iſraelites. It is well that once in his book he will allow God to have any care of the people; for in other places he ſpeaks of mankind, as if God had no care of any part of them, but only of their monarchs, and that the reſt of the people, the ſocieties of men, were made as ſo many herds of cattle, only for the ſervice, uſe, and pleaſure of their princes.

§. 157. *Choſe* Moſes *and* Joſhua *ſucceſſively to govern as princes*; a ſhrewd argument our author has found out to prove God's care of the fatherly authority, and *Adam*'s heirs, that here, as an expreſſion of his care of his own people, he chooſes thoſe for princes over them, that had not the leaſt pretence to either. The perſons choſen were, *Moſes* of the tribe of *Levi*, and *Joſhua* of the tribe of *Ephraim*, neither of which had any title of *fatherhood*. But ſays our author, they were in the place

and

and ſtead of the ſupreme fathers. If God had any where as plainly declared his choice of ſuch *fathers* to be rulers, as he did of *Moſes* and *Joſhua*, we might believe *Moſes* and *Joſhua* were in *their place and ſtead:* but that being the queſtion in debate, till that be better proved, *Moſes* being choſen by God to be ruler of his people, will no more prove that government belonged to *Adam's heir*, or to the *fatherhood*, than God's chooſing *Aaron* of the tribe of *Levi* to be prieſt, will prove that the prieſthood belonged to *Adam*'s heir, or the *prime fathers*; ſince God would chooſe *Aaron* to be prieſt, and *Moſes* ruler in *Iſrael*, though neither of thoſe offices were ſettled on *Adam*'s *heir*, or the *fatherhood*.

§. 158. Our author goes on, *and after them likewiſe for a time he raiſed up judges, to defend his people in time of peril*, p. 18. This proves fatherly authority to be the original of government, and that it deſcended from *Adam* to his heirs, juſt as well as what went before: only here our author ſeems to confeſs, that theſe judges, who were all the governors they then had, were only men of valour, whom they made their generals to defend them in time of peril; and cannot God raiſe up ſuch men, unleſs fatherhood have a title to government?

But ſays our author, *when God gave the* Iſraelites *kings, he re-eſtabliſhed the ancient and*

prime right of lineal ſucceſſion to paternal government, p. 18.

§. 160. How did God *re-eſtabliſh* it? by a law, a poſitive command? We find no ſuch thing. Our author means then, that when God gave them a king, in giving them a king, he *re-eſtabliſhed the right*, &c. To re-eſtabliſh *de facto* the right of lineal ſucceſſion to paternal government, is to put a man in poſſeſſion of that government which his fathers did enjoy, and he by lineal ſucceſſion had a right to: for, firſt, if it were another government than what his anceſtors had, it was not ſucceeding to an *ancient right*, but beginning a new one: for if a prince ſhould give a man, beſides his antient patrimony, which for ſome ages his family had been diſſeized of, an additional eſtate, never before in the poſſeſſion of his anceſtors, he could not be ſaid to *re-eſtabliſh the right of lineal ſucceſſion* to any more than what had been formerly enjoyed by his anceſtors. If therefore the power the kings of *Iſrael* had, were any thing more than *Iſaac* or *Jacob* had, it was not the *re-eſtabliſhing* in them the right of ſucceſſion to a power, but giving them a new power, however you pleaſe to call it, *paternal* or not: and whether *Iſaac* and *Jacob* had the ſame power that the kings of *Iſrael* had, I deſire any one, by what has been above ſaid, to conſider; and I do not think they will

will find, that either *Abraham*, *Iſaac*, or *Jacob*, had any regal power at all.

§. 161. Next, there can be no *re-eſtabliſhment of the prime and ancient right of lineal ſucceſſion* to any thing, unleſs he, that is put in poſſeſſion of it, has the right to ſucceed, and be the true and next heir to him he ſucceeds to. Can that be a re-eſtabliſhment, which begins in a new family? or that the *re-eſtabliſhment of an ancient right of lineal ſucceſſion*, when a crown is given to one, who has no right of ſucceſſion to it, and who, if the lineal ſucceſſion had gone on, had been out of all poſſibility of pretence to it? *Saul*, the firſt king God gave the *Iſraelites*, was of the tribe of *Benjamin*. Was the *ancient and prime right of lineal ſucceſſion re-eſtabliſhed* in him? The next was *David*, the youngeſt ſon of *Jeſſe*, of the poſterity of *Judah*, *Jacob's third ſon*. Was the *ancient and prime right of lineal ſucceſſion to paternal government re-eſtabliſhed* in him? or in *Solomon*, his younger ſon and ſucceſſor in the throne? or in *Jeroboam* over the ten tribes? or in *Athaliah*, a woman who reigned ſix years an utter ſtranger to the royal blood? *If the ancient and prime right of lineal ſucceſſion to paternal government* were *re-eſtabliſhed* in any of theſe or their poſterity, *the ancient and prime right of lineal ſucceſſion to paternal government* belongs to younger brothers as well as elder, and may be re-eſtabliſhed in any man living; for what-

ever younger brothers, by *ancient and prime right of lineal ſucceſſion*, may have as well as the elder, that every man living may have a right to, by lineal ſucceſſion, and Sir *Robert* as well as any other. And ſo what a brave right of lineal ſucceſſion, to his *paternal* or *regal* government, our author has *re-eſtabliſhed*, for the ſecuring the rights and inheritance of crowns, where every one may have it, let the world conſider.

§. 162. But ſays our author however, p. 19. *Whenſoever God made choice of any ſpecial perſon to be king, he intended that the iſſue alſo ſhould have benefit thereof, as being comprehended ſufficiently in the perſon of the father, altho' the father was only named in the grant.* This yet will not help out ſucceſſion; for if, as our author ſays, the benefit of the grant be intended to the *iſſue* of the grantee, this will not direct the ſucceſſion; ſince, if God give any thing to a man and his *iſſue* in general, the claim cannot be to any one of that *iſſue* in particular; every one that is of his race will have an equal right. If it be ſaid, our author meant *heir*, I believe our author was as willing as any body to have uſed that word, if it would have ſerved his turn: but *Solomon*, who ſucceeded *David* in the throne, being no more his heir than *Jeroboham*, who ſucceeded him in the government of the ten tribes, was his iſſue, our author had reaſon to avoid ſaying, That God intended it to

the *heirs*, when that would not hold in a ſucceſſion, which our author could not except againſt; and ſo he has left his ſucceſſion as undetermined, as if he had ſaid nothing about it: for if the regal power be given by God to a man and his *iſſue*, as the land of *Canaan* was to *Abraham* and his ſeed, muſt they not all have a title to it, all ſhare in it? And one may as well ſay, that by God's grant to *Abraham* and his ſeed, the land of *Canaan* was to belong only to one of his ſeed excluſive of all others, as by God's grant of dominion to a man and *his iſſue*, this dominion was to belong in peculiar to one of his *iſſue* excluſive of all others.

§. 163. But how will our author prove that whenſoever God made choice of any ſpecial perſon to be a king, he intended that *the* (I ſuppoſe he means his) *iſſue alſo ſhould have benefit thereof?* has he ſo ſoon forgot *Moſes* and *Joſhua*, whom in this very *ſection*, he ſays, *God out of a ſpecial care choſe to govern as princes*, and the judges that God raiſed up? Had not theſe princes, having the authority of the *ſupreme fatherhood*, the ſame power that the kings had; and being ſpecially choſen by God himſelf, ſhould not their *iſſue* have the benefit of that choice, as well as *David*'s or *Solomon*'s? If theſe had the paternal authority put into their hands immediately by God, why had not their *iſſue* the benefit of this grant in a ſucceſſion to this

this power? or if they had it as *Adam*'s heirs, why did not their heirs enjoy it after them by right deſcending to them? for they could not be heirs to one another. Was the power the ſame, and from the ſame original, in *Moſes*, *Joſhua* and the *Judges*, as it was in *David* and the *Kings*; and was it inheritable in one, and not in the other? If it was not *paternal authority*, then God's own people were governed by thoſe that had not *paternal authority*, and thoſe governors did well enough without it: if it were *paternal authority*, and God choſe the perſons that were to exerciſe it, our author's rule fails, that *whenſoever God makes choice of any perſon to be ſupreme ruler* (for I ſuppoſe the name king has no ſpell in it, it is not the title, but the power makes the difference) *he intends that the iſſue alſo ſhould have the benefit of it*, ſince from their coming out of *Egypt* to *David*'s time, 400 years, the *iſſue* was never *ſo ſufficiently comprehended in the perſon of the father*, as that any ſon, after the death of his father, ſucceeded to the government amongſt all thoſe judges that judged *Iſrael*. If, to avoid this, it be ſaid, God always choſe the perſon of the ſucceſſor, and ſo, transferring the *fatherly authority* to him, excluded his iſſue from ſucceeding to it, that is manifeſtly not ſo in the ſtory of *Jephtha*, where he articled with the people, and they made him judge over them, as is plain, *Judg.* 11.

§. 164.

§. 164. It is in vain then to ſay, that *whenſoever God chooſes any ſpecial perſon* to have the exerciſe of *paternal authority*, (for if that be not to be king, I deſire to know the difference between a king and one having the exerciſe of *paternal authority*) *he intends the iſſue alſo ſhould have the benefit of it*, ſince we find the authority, the judges had, ended with them, and deſcended not to their *iſſue*; and if the judges had not *paternal authority*, I fear it will trouble our author, or any of the friends to his principles, to tell who had then the *paternal authority*, that is, the government and ſupreme power amongſt the *Iſraelites*; and I ſuſpect they muſt confeſs that the choſen people of God continued a people ſeveral hundreds of years, without any knowledge or thought of this *paternal authority*, or any appearance of monarchical government at all.

§. 165. To be ſatisfied of this, he need but read the ſtory of the *Levite*, and the war thereupon with the *Benjamites*, in the three laſt *chapters* of *Judges*; and when he finds, that the *Levite* appeals to the people for juſtice that it was the tribes and the congregation, that debated, reſolved, and directed all that was done on that occaſion; he muſt conclude, either that *God* was not *careful to preſerve the fatherly authority* amongſt his own choſen people; or elſe that the *fatherly authority* may be preſerved, where there is no monarchical

monarchical government: if the latter, then it will follow, that though *fatherly authority* be never ſo well proved, yet it will not infer a neceſſity of monarchical government; if the former, it will ſeem very ſtrange and improbable, that God ſhould ordain *fatherly authority* to be ſo ſacred amongſt the ſons of men, that there could be no power, or government without it, and yet that amongſt his own people, even whilſt he is providing a government for them, and therein preſcribes rules to the ſeveral ſtates and relations of men, this great and fundamental one, this moſt material and neceſſary of all the reſt, ſhould be concealed, and lie neglected for 400 years after.

§. 166. Before I leave this, I muſt aſk how our author knows that *whenſoever God makes choice of any ſpecial perſon to be king, he intends that the iſſue ſhould have the benefit thereof?* Does God by the law of nature or revelation ſay ſo? By the ſame law alſo he muſt ſay, which of his *iſſue* muſt enjoy the crown in ſucceſſion, and ſo point out the heir, or elſe leave his *iſſue* to divide or ſcramble for the government: both alike abſurd, and ſuch as will deſtroy the benefit of ſuch grant to the *iſſue*. When any ſuch declaration of God's intention is produced, it will be our duty to believe God intends it ſo; but till that be done, our author muſt ſhew us ſome better warrant, before we ſhall be obliged to receive

ceive him as the authentic revealer of God's intentions.

§. 167. *The iſſue*, ſays our author, *is comprehended ſufficiently in the perſon of the father, although the father only was named in the grant*: and yet God, when he gave the land of *Canaan* to *Abraham*, *Gen.* xiii. 15. thought fit to put *his ſeed* into the grant too: ſo the prieſthood was given to *Aaron and his ſeed*; and the crown God gave not only to *David*, but *his ſeed* alſo: and however our author aſſures us that *God intends, that the iſſue ſhould have the benefit of it, when he chooſes any perſon to be king*, yet we ſee that the kingdom which he gave to *Saul*, without mentioning his ſeed after him, never came to any of his *iſſue*: and why, when God choſe a perſon to be king, he ſhould intend, that his *iſſue* ſhould have the benefit of it, more than when he choſe one to be judge in *Iſrael*, I would fain know a reaſon; or why does a grant of *fatherly authority* to a king more comprehend the *iſſue*, than when a like grant is made to a judge? Is *paternal authority* by right to deſcend to the *iſſue* of one, and not of the other? There will need ſome reaſon to be ſhewn of this difference, more than the name, when the thing given is the ſame *fatherly authority*, and the manner of giving it, God's choice of the perſon, the ſame too; for I ſuppoſe our author, when he ſays, *God*

raiſed

raiſed up judges, will by no means allow, they were choſen by the people.

§. 168. But ſince our author has ſo confidently aſſured us of the care of God to preſerve the *fatherhood*, and pretends to build all he ſays upon the authority of the ſcripture, we may well expect that that people, whoſe law, conſtitution and hiſtory is chiefly contained in the ſcripture, ſhould furniſh him with the cleareſt inſtances of God's care of preſerving the fatherly authority, in that people who it is agreed he had a moſt peculiar care of. Let us ſee then what ſtate this *paternal authority* or government was in amongſt the *Jews*, from their beginning to be a people. It was omitted, by our author's confeſſion, from their coming into *Egypt*, till their return out of that bondage, above 200 years: from thence till God gave the *Iſraelites* a king, about 400 years more, our author gives but a very ſlender account of it; nor indeed all that time are there the leaſt footſteps of paternal or regal government amongſt them. But then ſays our author, *God re-eſtabliſhed the ancient and prime right of lineal ſucceſſion to paternal government.*

§. 169. What a *lineal ſucceſſion to paternal government* was then eſtabliſhed, we have already ſeen. I only now conſider how long this laſted, and that was to their captivity, about 500 years: from thence to their deſtruction by the *Romans*, above 650 years

after, the *ancient and prime right of lineal ſucceſſion to paternal government* was again loſt, and they continued a people in the promiſed land without it. So that of 1750 years that they were God's peculiar people, they had hereditary kingly government amongſt them not one third of the time; and of that time there is not the leaſt footſtep of one moment of *paternal government*, *nor the re-eſtabliſhment of the ancient and prime right of lineal ſucceſſion to it*, whether we ſuppoſe it to be derived, as from its fountain, from *David*, *Saul*, *Abraham*, or, which upon our author's principles is the only true, from *Adam*.

OF

OF CIVIL-GOVERNMENT

BOOK II

Chap. I. §. 1. It having been ſhewn in the foregoing diſcourſe,

1. That *Adam* had not, either by natural right of fatherhood, or by poſitive donation from God, any ſuch authority over his children, or dominion over the world, as is pretended:

2. That if he had, his heirs, yet, had no right to it:

3. That if his heirs had, there being no law of nature nor poſitive law of God that determines which is the right heir in all caſes that may ariſe, the right of ſucceſſion, and conſequently of bearing rule, could not have been certainly determined:

4. That if even that had been determined, yet the knowledge of which is the eldeſt line

of *Adam*'s poſterity, being ſo long ſince utterly loſt, that in the races of mankind and families of the world, there remains not to one above another, the leaſt pretence to be the eldeſt houſe, and to have the right of inheritance:

All theſe premiſes having, as I think, been clearly made out, it is impoſſible that the rulers now on earth ſhould make any benefit, or derive any the leaſt ſhadow of authority from that, which is held to be the fountain of all power, *Adam's private dominion and paternal juriſdiction*; ſo that he that will not give juſt occaſion to think that all government in the world is the product only of force and violence, and that men live together by no other rules but that of beaſts, where the ſtrongeſt carries it, and ſo lay a foundation for perpetual diſorder and miſchief, tumult, ſedition and rebellion, (things that the followers of that hypotheſis ſo loudly cry out againſt) muſt of neceſſity find out another riſe of government, another original of political power, and another way of deſigning and knowing the perſons that have it, than what Sir *Robert Filmer* hath taught us.

§. 2. To this purpoſe, I think it may not be amiſs, to ſet down what I take to be political power; that the power of a *magiſtrate* over a ſubject may be diſtinguiſhed from that of a *father* over his children, a *maſter* over his ſervant, a *huſband* over his wife, and

a

a *lord* over his ſlave. All which diſtinct powers happening ſometimes together in the ſame man, if he be conſidered under theſe different relations, it may help us to diſtinguiſh theſe powers one from another, and ſhew the difference betwixt a ruler of a common-wealth, a father of a family, and a captain of a galley.

§. 3. *Political power*, then, I take to be a *right* of making laws with penalties of death, and conſequently all leſs penalties, for the regulating and preſerving of property, and of employing the force of the community, in the execution of ſuch laws, and in the defence of the common-wealth from foreign injury; and all this only for the public good.

CHAP. II.

Of the State of Nature.

§. 4. TO underſtand political power right, and derive it from its original, we muſt conſider, what ſtate all men are naturally in, and that is, a *ſtate of perfect freedom* to order their actions, and diſpoſe of their poſſeſſions and perſons, as they think fit, within the bounds of the law of nature, without aſking leave, or depending upon the will of any other man.

A *ſtate* alſo *of equality*, wherein all the power and juriſdiction is reciprocal, no one

having more than another; there being nothing more evident, than that creatures of the ſame ſpecies and rank, promiſcuouſly born to all the ſame advantages of nature, and the uſe of the ſame faculties, ſhould alſo be equal one amongſt another without ſubordination or ſubjection, unleſs the lord and maſter of them all ſhould, by any manifeſt declaration of his will, ſet one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and ſovereignty.

§. 5. This *equality* of men by nature, the judicious *Hooker* looks upon as ſo evident in itſelf, and beyond all queſtion, that he makes it the foundation of that obligation to mutual love amongſt men, on which he builds the duties they owe one another, and from whence he derives the great maxims *of juſtice* and *charity*. His words are,

The like natural inducement hath brought men to know that it is no leſs their duty, to love others than themſelves; for ſeeing thoſe things which are equal, muſt needs all have one meaſure; if I cannot but wiſh to receive good, even as much at every man's hands, as any man can wiſh unto his own ſoul, how ſhould I look to have any part of my deſire herein ſatisfied, unleſs myſelf be careful to ſatisfy the like deſire, which is undoubtedly in other men, being of one and the ſame nature? To have any thing offered them repugnant to this deſire, muſt needs in all reſpects

reſpects grieve them as much as me; ſo that if I do harm, I muſt look to ſuffer, there being no reaſon that others ſhould ſhew greater meaſure of love to me, than they have by me ſhewed unto them: my deſire therefore to be loved of my equals in nature, as much as poſſible may be, impoſeth upon me a natural duty of bearing to them-ward fully the like affection; from which relation of equality between ourſelves and them that are as ourſelves, what ſeveral rules and canons natural reaſon hath drawn, for direction of life, no man is ignorant. Eccl. Pol. Lib. 1.

§. 6. But though this be *a ſtate of liberty*, yet *it is not a ſtate of licence:* though man in that ſtate have an uncontroulable liberty to diſpoſe of his perſon or poſſeſſions, yet he has not liberty to deſtroy himſelf, or ſo much as any creature in his poſſeſſion, but where ſome nobler uſe than its bare preſervation calls for it. The *ſtate of nature* has a law of nature to govern it, which obliges every one: and reaſon, which is that law, teaches all mankind, who will but conſult it, that being all *equal and independent*, no one ought to harm another in his life, health, liberty, or poſſeſſions: for men being all the workmanſhip of one omnipotent, and infinitely wiſe maker; all the ſervants of one ſovereign maſter, ſent into the world by his order, and about his buſineſs; they are his property, whoſe workmanſhip they are, made to laſt

during his, not one another's pleaſure: and being furniſhed with like faculties, ſharing all in one community of nature, there cannot be ſuppoſed any ſuch *ſubordination* among us, that may authorize us to deſtroy one another, as if we were made for one another's uſes, as the inferior ranks of creatures are for our's. Every one, as he is *bound to preſerve himſelf*, and not to quit his ſtation wilfully, ſo by the like reaſon, when his own preſervation comes not in competition, ought he, as much as he can, *to preſerve the reſt of mankind*, and may not, unleſs it be to do juſtice on an offender, take away, or impair the life, or what tends to the preſervation of the life, the liberty, health, limb, or goods of another.

§. 7. And that all men may be reſtrained from invading others rights, and from doing hurt to one another, and the law of nature be obſerved, which willeth the peace and *preſervation of all mankind*, the *execution* of the law of nature is, in that ſtate, put into every man's hands, whereby every one has a right to puniſh the tranſgreſſors of that law to ſuch a degree, as may hinder its violation: for the *law of nature* would, as all other laws that concern men in this world, be in vain, if there were no body that in the ſtate of nature had a *power to execute* that law, and thereby preſerve the innocent and reſtrain offenders. And if any one in the ſtate of nature may puniſh another for any evil he has

done, every one may do ſo: for in that *ſtate of perfect equality*, where naturally there is no ſuperiority or juriſdiction of one over another, what any may do in proſecution of that law, every one muſt needs have a right to do.

§. 8. And thus, in the ſtate of nature, *one man comes by a power over another*; but yet no abſolute or arbitrary power, to uſe a criminal, when he has got him in his hands, according to the paſſionate heats, or boundleſs extravagancy of his own will; but only to retribute to him, ſo far as calm reaſon and conſcience dictate, what is proportionate to his tranſgreſſion, which is ſo much as may ſerve for *reparation* and *reſtraint*: for theſe two are the only reaſons, why one man may lawfully do harm to another, which is that we call *puniſhment*. In tranſgreſſing the law of nature, the offender declares himſelf to live by another rule than that of reaſon and common equity, which is that meaſure God has ſet to the actions of men, for their mutual ſecurity; and ſo he becomes dangerous to mankind, the tye, which is to ſecure them from injury and violence, being ſlighted and broken by him. Which being a treſpaſs againſt the whole ſpecies, and the peace and ſafety of it, provided for by the law of nature, every man upon this ſcore, by the right he hath to preſerve mankind in general, may reſtrain, or where it is neceſ-

ſary, deſtroy things noxious to them, and ſo may bring ſuch evil on any one, who hath tranſgreſſed that law, as may make him repent the doing of it, and thereby deter him, and by his example others, from doing the like miſchief. And in this caſe, and upon this ground, *every man hath a right to puniſh the offender, and be executioner of the law of nature.*

§. 9. I doubt not but this will ſeem a very ſtrange doctrine to ſome men: but before they condemn it, I deſire them to reſolve me, by what right any prince or ſtate can put to death, or *puniſh an alien*, for any crime he commits in their country. It is certain their laws, by virtue of any ſanction they receive from the promulgated will of the legiſlative, reach not a ſtranger: they ſpeak not to him, nor, if they did, is he bound to hearken to them. The legiſlative authority, by which they are in force over the ſubjects of that common-wealth, hath no power over him. Thoſe who have the ſupreme power of making laws in *England*, *France* or *Holland*, are to an *Indian*, but like the reſt of the world, men without authority: and therefore, if by the law of nature every man hath not a power to puniſh offences againſt it, as he ſoberly judges the caſe to require, I ſee not how the magiſtrates of any community can *puniſh an alien* of another country; ſince, in reference to him, they can have no

no more power than what every man naturally may have over another.

§. 10. Beſides the crime which conſiſts in violating the law, and varying from the right rule of reaſon, whereby a man ſo far becomes degenerate, and declares himſelf to quit the principles of human nature, and to be a noxious creature, there is commonly *injury* done to ſome perſon or other, and ſome other man receives damage by his tranſgreſſion: in which caſe he who hath received any damage, has, beſides the right of puniſhment common to him with other men, a particular right to ſeek *reparation* from him that has done it: and any other perſon, who finds it juſt, may alſo join with him that is injured, and aſſiſt him in recovering from the offender ſo much as may make ſatisfaction for the harm he has ſuffered.

§. 11. From theſe *two diſtinct rights*, the one of *puniſhing* the crime *for reſtraint*, and preventing the like offence, which right of puniſhing is in every body; the other of taking *reparation*, which belongs only to the injured party, comes it to paſs that the magiſtrate, who by being magiſtrate hath the common right of puniſhing put into his hands, can often, where the public good demands not the execution of the law, *remit* the puniſhment of criminal offences by his own authority, but yet cannot *remit* the ſatisfaction due to any private man for the damage

damage he has received. That, he who has ſuffered the damage has a right to demand in his own name, and he alone can remit: the damnified perſon has this power of appropriating to himſelf the goods or ſervice of the offender, *by right of ſelf-preſervation*, as every man has a power to puniſh the crime, to prevent its being committed again, *by the right he has of preſerving all mankind*, and doing all reaſonable things he can in order to that end: and thus it is, that every man, in the ſtate of nature, has a power to kill a murderer, both *to deter* others from doing the like injury, which no reparation can compenſate, by the example of the puniſhment that attends it from every body, and alſo to ſecure men from the attempts of a criminal, who having renounced reaſon, the common rule and meaſure God hath given to mankind, hath, by the unjuſt violence and ſlaughter he hath committed upon one, declared war againſt all mankind, and therefore may be deſtroyed as a *lion* or a *tyger*, one of thoſe wild ſavage beaſts, with whom men can have no ſociety nor ſecurity: and upon this is grounded that great law of nature, *Whoſo ſheddeth man's blood, by man ſhall his blood be ſhed.* And *Cain* was ſo fully convinced, that every one had a right to deſtroy ſuch a criminal, that after the murder of his brother, he cries out, *Every one that findeth*

me,

me, ſhall ſlay me; ſo plain was it writ in the hearts of all mankind.

§. 12. By the ſame reaſon may a man in the ſtate of nature *puniſh the leſſer breaches* of that law. It will perhaps be demanded, with death? I anſwer, each tranſgreſſion may be *puniſhed* to that *degree*, and with ſo much *ſeverity*, as will ſuffice to make it an ill bargain to the offender, give him cauſe to repent, and terrify others from doing the like. Every offence, that can be committed in the ſtate of nature, may in the ſtate of nature be alſo puniſhed equally, and as far forth as it may, in a common-wealth: for though it would be beſides my preſent purpoſe, to enter here into the particulars of the law of nature, or its *meaſures of puniſhment*; yet, it is certain there is ſuch a law, and that too, as intelligible and plain to a rational creature, and a ſtudier of that law, as the poſitive laws of common-wealths; nay, poſſibly plainer; as much as reaſon is eaſier to be underſtood, than the fancies and intricate contrivances of men, following contrary and hidden intereſts put into words; for ſo truly are a great part of the *municipal laws* of countries, which are only ſo far right, as they are founded on the law of nature, by which they are to be regulated and interpreted.

§. 13. To this ſtrange doctrine, *viz.* That *in the ſtate of nature every one has the executive power* of the law of nature, I doubt not but it will

will be objected, that it is unreaſonable for men to be judges in their own caſes, that ſelf-love will make men partial to themſelves and their friends: and on the other ſide, that ill nature, paſſion and revenge will carry them too far in puniſhing others; and hence nothing but confuſion and diſorder will follow, and that therefore God hath certainly appointed government to reſtrain the partiality and violence of men. I eaſily grant, that *civil government* is the proper remedy for the inconveniencies of the ſtate of nature, which muſt certainly be great, where men may be judges in their own caſe, ſince it is eaſy to be imagined, that he who was ſo unjuſt as to do his brother an injury, will ſcarce be ſo juſt as to condemn himſelf for it: but I ſhall deſire thoſe who make this objection, to remember, that *abſolute monarchs* are but men; and if government is to be the remedy of thoſe evils, which neceſſarily follow from men's being judges in their own caſes, and the ſtate of nature is therefore not to be endured, I deſire to know what kind of government that is, and how much better it is than the ſtate of nature, where one man, commanding a multitude, has the liberty to be judge in his own caſe, and may do to all his ſubjects whatever he pleaſes, without the leaſt liberty to any one to queſtion or controul thoſe who execute his pleaſure? and in whatſoever he doth, whether led by reaſon, miſtake or paſſion, muſt be ſubmitted to? much better

it

it is in the ſtate of nature, wherein men are not bound to ſubmit to the unjuſt will of another: and if he that judges, judges amiſs in his own, or any other caſe, he is anſwerable for it to the reſt of mankind.

§. 14. It is often aſked as a mighty objection, *where are*, or ever were there any *men in ſuch a ſtate of nature?* To which it may ſuffice as an anſwer at preſent, that ſince all princes and rulers of *independent* governments all through the world, are in a ſtate of nature, it is plain the world never was, nor ever will be, without numbers of men in that ſtate. I have named all governors of *independent communities*, whether they are, or are not, in league with others: for it is not every compact that puts an end to the ſtate of nature between men, but only this one of agreeing together mutually to enter into one community, and make one body politic; other promiſes, and compacts, men may make one with another, and yet ſtill be in the ſtate of nature. The promiſes and bargains for truck, *&c.* between the two men in the deſert iſland, mentioned by *Garcilaſſo de la Vega*, in his hiſtory of *Peru*; or between a *Swiſs* and an *Indian*, in the woods of *America*, are binding to them, though they are perfectly in a ſtate of nature, in reference to one another: for truth and keeping of faith belongs to men, as men, and not as members of ſociety.

§. 15.

§. 15. To thoſe that ſay, there were never any men in the ſtate of nature, I will not only oppoſe the authority of the judicious *Hooker*, *Eccl. Pol. lib.* i. *ſect.* 10. where he ſays, *The laws which have been hitherto mentioned*, i. e. the laws of nature, *do bind men abſolutely, even as they are men, although they have never any ſettled fellowſhip, never any ſolemn agreement amongſt themſelves what to do, or not to do: but foraſmuch as we are not by ourſelves ſufficient to furniſh ourſelves with competent ſtore of things, needful for ſuch a life as our nature doth deſire, a life fit for the dignity of man; therefore to ſupply thoſe defects and imperfections which are in us, as living ſingle and ſolely by ourſelves, we are naturally induced to ſeek communion and fellowſhip with others: this was the cauſe of men's uniting themſelves at firſt in politic ſocieties.* But I moreover affirm, that all men are naturally in that ſtate, and remain ſo, till by their own conſents they make themſelves members of ſome politic ſociety; and I doubt not in the ſequel of this diſcourſe, to make it very clear.

CHAP. III.

Of the State of War.

§. 16. THE *ſtate of war* is a ſtate of *enmity* and *deſtruction*: and therefore declaring by word or action, not a

a paſſionate and haſty, but a ſedate ſettled deſign upon another man's life, *puts him in a ſtate of war* with him againſt whom he has declared ſuch an intention, and ſo has expoſed his life to the other's power to be taken away by him, or any one that joins with him in his defence, and eſpouſes his quarrel; it being reaſonable and juſt, I ſhould have a right to deſtroy that which threatens me with deſtruction: for, *by the fundamental law of nature, man being to be preſerved* as much as poſſible, when all cannot be preſerved, the ſafety of the innocent is to be preferred: and one may deſtroy a man who makes war upon him, or has diſcovered an enmity to his being, for the ſame reaſon that he may kill a *wolf* or a *lion*; becauſe ſuch men are not under the ties of the common-law of reaſon, have no other rule, but that of force and violence, and ſo may be treated as beaſts of prey, thoſe dangerous and noxious creatures, that will be ſure to deſtroy him whenever he falls into their power.

§. 17. And hence it is, that he who attempts to get another man into his abſolute power, does thereby *put himſelf into a ſtate of war* with him; it being to be underſtood as a declaration of a deſign upon his life: for I have reaſon to conclude, that he who would get me into his power without my conſent, would uſe me as he pleaſed when he had got me there, and deſtroy me too when

when he had a fancy to it; for no body can desire to *have me in his absolute power*, unless it be to compel me by force to that which is against the right of my freedom, *i. e.* make me a slave. To be free from such force is the only security of my preservation; and reason bids me look on him, as an enemy to my preservation, who would take away that *freedom* which is the fence to it; so that he who makes an *attempt to enslave* me, thereby puts himself into a state of war with me. He that, in the state of nature, *would take away the freedom* that belongs to any one in that state, must necessarily be supposed to have a design to take away every thing else, that *freedom* being the foundation of all the rest; as he that, in the state of society, would take away the *freedom* belonging to those of that society or common-wealth, must be supposed to design to take away from them every thing else, and so be looked on as *in a state of war*.

§. 18. This makes it lawful for a man to *kill a thief*, who has not in the least hurt him, nor declared any design upon his life, any farther than, by the use of force, so to get him in his power, as to take away his money, or what he pleases, from him; because using force, where he has no right, to get me into his power, let his pretence be what it will, I have no reason to suppose, that he, who would *take away my liberty*, would not,

not, when he had me in his power, take away every thing elſe. And therefore it is lawful for me to treat him as one who has *put himſelf into a ſtate of war* with me, *i. e.* kill him if I can; for to that hazard does he juſtly expoſe himſelf, whoever introduces a ſtate of war, and is aggreſſor in it.

§. 19. And here we have the plain *difference between the ſtate of nature and the ſtate of war*, which however ſome men have confounded, are as far diſtant, as a ſtate of peace, good will, mutual aſſiſtance and preſervation, and a ſtate of enmity, malice, violence and mutual deſtruction, are one from another. Men living together according to reaſon, without a common ſuperior on earth, with authority to judge between them, is *properly the ſtate of nature.* But force, or a declared deſign of force, upon the perſon of another, where there is no common ſuperior on earth to appeal to for relief, *is the ſtate of war:* and it is the want of ſuch an appeal gives a man the right of war even againſt an *aggreſſor*, tho' he be in ſociety and a fellow ſubject. Thus a *thief*, whom I cannot harm, but by appeal to the law, for having ſtolen all that I am worth, I may kill, when he ſets on me to rob me but of my horſe or coat; becauſe the law, which was made for my preſervation, where it cannot interpoſe to ſecure my life from preſent force, which, if loſt, is capable of no reparation, permits me

my own defence, and the right of war, a liberty to kill the aggreſſor, becauſe the aggreſſor allows not time to appeal to our common judge, nor the deciſion of the law, for remedy in a caſe where the miſchief may be irreparable. Want of a common judge with authority, puts all men in a ſtate of nature: force without right, upon a man's perſon, makes a ſtate of war, both where there is, and is not, a common judge.

§. 20. But when the actual force is over, the *ſtate of war ceaſes* between thoſe that are in ſociety, and are equally on both ſides ſubjected to the fair determination of the law; becauſe then there lies open the remedy of appeal for the paſt injury, and to prevent future harm: but where no ſuch appeal is, as in the ſtate of nature, for want of poſitive laws, and judges with authority to appeal to, the ſtate of war once begun, continues, with a right to the innocent party to deſtroy the other whenever he can, until the aggreſſor offers peace, and deſires reconciliation on ſuch terms as may repair any wrongs he has already done, and ſecure the innocent for the future; nay, where an appeal to the law, and conſtituted judges, lies open, but the remedy is denied by a manifeſt perverting of juſtice, and a barefaced wreſting of the laws to protect or indemnify the violence or injuries of ſome men, or party of men, *there* it is hard to imagine any thing but *a ſtate of war*: for

for where-ever violence is uſed, and injury done, though by hands appointed to adminiſter juſtice, it is ſtill violence and injury, however coloured with the name, pretences, or forms of law, the end whereof being to protect and redreſs the innocent, by an unbiaſſed application of it, to all who are under it; where-ever that is not *bona fide* done, *war is made* upon the ſufferers, who having no appeal on earth to right them, they are left to the only remedy in ſuch caſes, an appeal to heaven.

§. 21. To avoid this *ſtate of war* (wherein there is no appeal but to heaven, and wherein every the leaſt difference is apt to end, where there is no authority to decide between the contenders) is one great reaſon of men's putting themſelves into ſociety, and quitting the ſtate of nature: for where there is an authority, a power on earth, from which relief can be had by *appeal*, there the continuance of the *ſtate of war* is excluded, and the controverſy is decided by that power. Had there been any ſuch court, any ſuperior juriſdiction on earth, to determine the right between *Jephtha* and the *Ammonites*, they had never come to a *ſtate of war*: but we ſee he was forced to appeal to heaven. *The Lord the Judge* (ſays he) *be judge this day between the children of* Iſrael *and the children of* Ammon, *Judg.* xi. 27. and then proſecuting, and relying on his *appeal*, he leads out his army to battle: and

therefore in ſuch controverſies, where the queſtion is put, *who ſhall be judge?* It cannot be meant, who ſhall decide the controverſy; every one knows what *Jephtha* here tells us, that *the Lord the Judge* ſhall judge. Where there is no judge on earth, the appeal lies to God in heaven. That queſtion then cannot mean, who ſhall judge, whether another hath put himſelf in a *ſtate of war* with me, and whether I may, as *Jephtha* did, *appeal to heaven* in it? of that I myſelf can only be judge in my own conſcience, as I will anſwer it, at the great day, to the ſupreme judge of all men.

CHAP. IV.
Of SLAVERY.

§. 22. THE *natural liberty* of man is to be free from any ſuperior power on earth, and not to be under the will or legiſlative authority of man, but to have only the law of nature for his rule. The *liberty of man*, in ſociety, is to be under no other legiſlative power, but that eſtabliſhed, by conſent, in the common-wealth; nor under the dominion of any will, or reſtraint of any law, but what that legiſlative ſhall enact, according to the truſt put in it. Freedom then is not what Sir *Robert Filmer* tells us, *Obſervations, A.* 55. *a liberty for every one*

to do what he lists, to live as he pleases, and not to be tied by any laws: but *freedom of men under government* is, to have a standing rule to live by, common to every one of that society, and made by the legislative power erected in it; a liberty to follow my own will in all things, where the rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man: as *freedom of nature* is, to be under no other restraint but the law of nature.

§. 23. This *freedom* from absolute, arbitrary power, is so necessary to, and closely joined with a man's preservation, that he cannot part with it, but by what forfeits his preservation and life together: for a man, not having the power of his own life, *cannot*, by compact, or his own consent, *enslave himself* to any one, nor put himself under the absolute, arbitrary power of another, to take away his life, when he pleases. No body can give more power than he has himself; and he that cannot take away his own life, cannot give another power over it. Indeed, having by his fault forfeited his own life, by some act that deserves death; he, to whom he has forfeited it, may (when he has him in his power) delay to take it, and make use of him to his own service, and he does him no injury by it: for, whenever he finds the hardship of his slavery outweigh the value of his life, it is in his power, by resisting the

will of his maſter, to draw on himſelf the death he deſires.

§. 24. This is the perfect condition of *ſlavery*, which is nothing elſe, but *the ſtate of war continued, between a lawful conqueror and a captive*: for, if once *compact* enter between them, and make an agreement for a limited power on the one ſide, and obedience on the other, the *ſtate of war and ſlavery* ceaſes, as long as the compact endures: for, as has been ſaid, no man can, by agreement, paſs over to another that which he hath not in himſelf, a power over his own life.

I confeſs, we find among the *Jews*, as well as other nations, that men did ſell themſelves; but, it is plain, this was only to *drudgery, not to ſlavery*: for, it is evident, the perſon ſold was not under an abſolute, arbitrary, deſpotical power: for the maſter could not have power to kill him, at any time, whom, at a certain time, he was obliged to let go free out of his ſervice; and the maſter of ſuch a ſervant was ſo far from having an arbitrary power over his life, that he could not, at pleaſure, ſo much as maim him, but the loſs of an eye, or tooth, ſet him free, *Exod.* xxi.

CHAP.

CHAP. V.
Of PROPERTY.

§. 25. WHether we conſider natural *reaſon*, which tells us, that men, being once born, have a right to their preſervation, and conſequently to meat and drink, and ſuch other things as nature affords for their ſubſiſtence: or *revelation*, which gives us an account of thoſe grants God made of the world to *Adam*, and to *Noah*, and his ſons, it is very clear, that God, as king *David* ſays, *Pſal.* cxv. 16. *has given the earth to the children of men*; given it to mankind in common. But this being ſuppoſed, it ſeems to ſome a very great difficulty, how any one ſhould ever come to have a *property* in any thing: I will not content myſelf to anſwer, that if it be difficult to make out *property*, upon a ſuppoſition that God gave the world to *Adam*, and his poſterity in common, it is impoſſible that any man, but one univerſal monarch, ſhould have any *property* upon a ſuppoſition, that God gave the world to *Adam*, and his heirs in ſucceſſion, excluſive of all the reſt of his poſterity. But I ſhall endeavour to ſhew, how men might come to have a *property* in ſeveral parts of that which God gave to mankind in common, and that without any expreſs compact of all the commoners.

§. 26. God, who hath given the world to men in common, hath alſo given them reaſon to make uſe of it to the beſt advantage of life, and convenience. The earth, and all that is therein, is given to men for the ſupport and comfort of their being. And tho' all the fruits it naturally produces, and beaſts it feeds, belong to mankind in common, as they are produced by the ſpontaneous hand of nature; and no body has originally a private dominion, excluſive of the reſt of mankind, in any of them, as they are thus in their natural ſtate: yet being given for the uſe of men, there muſt of neceſſity be *a means to appropriate* them ſome way or other, before they can be of any uſe, or at all beneficial to any particular man. The fruit, or veniſon, which nouriſhes the wild *Indian*, who knows no incloſure, and is ſtill a tenant in common, muſt be his, and ſo his, *i. e.* a part of him, that another can no longer have any right to it, before it can do him any good for the ſupport of his life.

§. 27. Though the earth, and all inferior creatures, be common to all men, yet every man has a *property* in his own *perſon*: this no body has any right to but himſelf. The *labour* of his body, and the *work* of his hands, we may ſay, are properly his. Whatſoever then he removes out of the ſtate that nature hath provided, and left it in, he hath mixed his *labour* with, and joined to it ſomething

that

that is his own, and thereby makes it his *property*. It being by him removed from the common ſtate nature hath placed it in, it hath by this *labour* ſomething annexed to it, that excludes the common right of other men: for this *labour* being the unqueſtionable property of the labourer, no man but he can have a right to what that is once joined to, at leaſt where there is enough, and as good, left in common for others.

§. 28. He that is nouriſhed by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himſelf. No body can deny but the nouriſhment is his. I aſk then, when did they begin to be his? when he digeſted? or when he eat? or when he boiled? or when he brought them home? or when he picked them up? and it is plain, if the firſt gathering made them not his, nothing elſe could. That *labour* put a diſtinction between them and common: that added ſomething to them more than nature, the common mother of all, had done; and ſo they became his private right. And will any one ſay, he had no right to thoſe acorns or apples, he thus appropriated, becauſe he had not the conſent of all mankind to make them his? Was it a robbery thus to aſſume to himſelf what belonged to all in common? If ſuch a conſent as that was neceſſary, man had ſtarved, notwithſtanding the plenty God had

had given him. We ſee in *commons*, which remain ſo by compact, that it is the taking any part of what is common, and removing it out of the ſtate nature leaves it in, which *begins the property*; without which the common is of no uſe. And the taking of this or that part, does not depend on the expreſs conſent of all the commoners. Thus the graſs my horſe has bit; the turfs my ſervant has cut; and the ore I have digged in any place, where I have a right to them in common with others, become my *property*, without the aſſignation or conſent of any body. The *labour* that was mine, removing them out of that common ſtate they were in, hath *fixed* my *property* in them.

§. 29. By making an explicit conſent of every commoner, neceſſary to any one's appropriating to himſelf any part of what is given in common, children or ſervants could not cut the meat, which their father or maſter had provided for them in common, without aſſigning to every one his peculiar part. Though the water running in the fountain be every one's, yet who can doubt, but that in the pitcher is his only who drew it out? His *labour* hath taken it out of the hands of nature, where it was common, and belonged equally to all her children, and *hath* thereby *appropriated* it to himſelf.

§. 30.

§. 30. Thus this law of reaſon makes the deer that *Indian*'s who hath killed it; it is allowed to be his goods, who hath beſtowed his labour upon it, though before it was the common right of every one. And amongſt thoſe who are counted the civilized part of mankind, who have made and multiplied poſitive laws to determine *property*, this original law of nature, for the *beginning of property*, in what was before common, ſtill takes place; and by virtue thereof, what fiſh any one catches in the ocean, that great and ſtill remaining common of mankind; or what ambergriſe any one takes up here, is by the *labour* that removes it out of that common ſtate nature left it in, *made* his *property*, who takes that pains about it. And even amongſt us, the hare that any one is hunting, is thought his who purſues her during the chaſe: for being a beaſt that is ſtill looked upon as common, and no man's private poſſeſſion; whoever has employed ſo much *labour* about any of that kind, as to find and purſue her, has thereby removed her from the ſtate of nature, wherein ſhe was common, and hath *begun a property*.

§. 31. It will perhaps be objected to this, that if gathering the acorns, or other fruits of the earth, *&c.* makes a right to them, then any one may *ingroſs* as much as he will. To which I anſwer, Not ſo. The ſame law of nature, that does by this means give us property,

property, does alſo *bound* that *property* too. *God has given us all things richly*, 1 Tim. vi. 12. is the voice of reaſon confirmed by inſpiration. But how far has he given it us? *To enjoy*. As much as any one can make uſe of to any advantage of life before it ſpoils, ſo much he may by his labour fix a property in: whatever is beyond this, is more than his ſhare, and belongs to others. Nothing was made by God for man to ſpoil or deſtroy. And thus, conſidering the plenty of natural proviſions there was a long time in the world, and the few ſpenders; and to how ſmall a part of that proviſion the induſtry of one man could extend itſelf, and ingroſs it to the prejudice of others; eſpecially keeping within the *bounds*, ſet by reaſon, of what might ſerve for his *uſe*; there could be then little room for quarrels or contentions about property ſo eſtabliſhed.

§. 32. But the *chief matter of property* being now not the fruits of the earth, and the beaſts that ſubſiſt on it, but *the earth itſelf*; as that which takes in and carries with it all the reſt; I think it is plain, that *property* in that too is acquired as the former. *As much land* as a man tills, plants, improves, cultivates, and can uſe the product of, ſo much is his *property*. He by his labour does, as it were, incloſe it from the common. Nor will it invalidate his right, to ſay every body elſe has an equal title to it; and therefore he cannot

cannot appropriate, he cannot incloſe, without the conſent of all his fellow-commoners, all mankind. God, when he gave the world in common to all mankind, commanded man alſo to labour, and the penury of his condition required it of him. God and his reaſon commanded him to ſubdue the earth, *i. e.* improve it for the benefit of life, and therein lay out ſomething upon it that was his own, his labour. He that in obedience to this command of God, ſubdued, tilled and ſowed any part of it, thereby annexed to it ſomething that was his *property*, which another had no title to, nor could without injury take from him.

§. 33. Nor was this *appropriation* of any parcel of *land*, by improving it, any prejudice to any other man, ſince there was ſtill enough, and as good left; and more than the yet unprovided could uſe. So that, in effect, there was never the leſs left for others becauſe of his incloſure for himſelf: for he that leaves as much as another can make uſe of, does as good as take nothing at all. No body could think himſelf injured by the drinking of another man, though he took a good draught, who had a whole river of the ſame water left him to quench his thirſt: and the caſe of land and water, where there is enough of both, is perfectly the ſame.

§. 34.

§. 34. God gave the world to men in common; but ſince he gave it them for their benefit, and the greateſt conveniencies of life they were capable to draw from it, it cannot be ſuppoſed he meant it ſhould always remain common and uncultivated. He gave it to the uſe of the induſtrious and rational, (and *labour* was to be *his title* to it;) not to the fancy or covetouſneſs of the quarrelſome and contentious. He that had as good left for his improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's labour: if he did, it is plain he deſired the benefit of another's pains, which he had no right to, and not the ground which God had given him in common with others to labour on, and whereof there was as good left, as that already poſſeſſed, and more than he knew what to do with, or his induſtry could reach to.

§. 35. It is true, in *land* that is *common* in *England*, or any other country, where there is plenty of people under government, who have money and commerce, no one can inclоſe or appropriate any part, without the conſent of all his fellow-commoners; becauſe this is left common by compact, *i. e.* by the law of the land, which is not to be violated. And though it be common, in reſpect of ſome men, it is not ſo to all mankind; but is the joint property of this country, or this

pariſh. Beſides, the remainder, after ſuch incloſure, would not be as good to the reſt of the commoners, as the whole was when they could all make uſe of the whole; whereas in the beginning and firſt peopling of the great common of the world, it was quite otherwiſe. The law man was under, was rather for appropriating. God commanded, and his wants forced him to *labour*. That was his *property* which could not be taken from him where-ever he had fixed it. And hence ſubduing or cultivating the earth, and having dominion, we ſee are joined together. The one gave title to the other. So that God, by commanding to ſubdue, gave authority ſo far to *appropriate*: and the condition of human life, which requires labour and materials to work on, neceſſarily introduces private poſſeſſions.

§. 36. The *meaſure of property* nature has well ſet by the extent of men's *labour and the conveniencies of life*: no man's labour could ſubdue, or appropriate all; nor could his enjoyment conſume more than a ſmall part; ſo that it was impoſſible for any man, this way, to intrench upon the right of another, or acquire to himſelf a property, to the prejudice of his neighbour, who would ſtill have room for as good, and as large a poſſeſſion (after the other had taken out his) as before it was appropriated. This *meaſure* did confine every man's *poſſeſſion* to a very moderate pro-

portion, and ſuch as he might appropriate to himſelf, without injury to any body, in the firſt ages of the world, when men were more in danger to be loſt, by wandering from their company, in the then vaſt wilderneſs of the earth, than to be ſtraitened for want of room to plant in. And the ſame *meaſure* may be allowed ſtill without prejudice to any body, as full as the world ſeems: for ſuppoſing a man, or family, in the ſtate they were at firſt peopling of the world by the children of *Adam*, or *Noah*; let him plant in ſome in-land, vacant places of *America*, we ſhall find that the *poſſeſſions* he could make himſelf, upon the *meaſures* we have given, would not be very large, nor, even to this day, prejudice the reſt of mankind, or give them reaſon to complain, or think themſelves injured by this man's incroachment, though the race of men have now ſpread themſelves to all the corners of the world, and do infinitely exceed the ſmall number was at the beginning. Nay, the extent of *ground* is of ſo little value, *without labour*, that I have heard it affirmed, that in *Spain* itſelf a man may be permitted to plough, ſow and reap, without being diſturbed, upon land he has no other title to, but only his making uſe of it. But, on the contrary, the inhabitants think themſelves beholden to him, who, by his induſtry on neglected, and conſequently waſte land, has increaſed the

ſtock

ſtock of corn, which they wanted. But be this as it will, which I lay no ſtreſs on; this I dare boldly affirm, that the ſame *rule of propriety*, (*viz.*) that every man ſhould have as much as he could make uſe of, would hold ſtill in the world, without ſtraitening any body; ſince there is land enough in the world to ſuffice double the inhabitants, had not the *invention of money*, and the tacit agreement of men to put a value on it, introduced (by conſent) larger poſſeſſions, and a right to them; which, how it has done, I ſhall by and by ſhew more at large.

§. 37. This is certain, that in the beginning, before the deſire of having more than man needed had altered the intrinſic value of things, which depends only on their uſefulneſs to the life of man; or had *agreed, that a little piece of yellow metal*, which would keep without waſting or decay, ſhould be worth a great piece of fleſh, or a whole heap of corn; though men had a right to appropriate, by their labour, each one to himſelf, as much of the things of nature, as he could uſe: yet this could not be much, nor to the prejudice of others, where the ſame plenty was ſtill left to thoſe who would uſe the ſame induſtry. To which let me add, that he who appropriates land to himſelf by his labour, does not leſſen, but increaſe the common ſtock of mankind: for the proviſions ſerving to the ſupport of human life, pro-

duced by one acre of incloſed and cultivated land, are (to ſpeak much within compaſs) ten times more than thoſe which are yielded by an acre of land of an equal richneſs lying waſte in common. And therefore he that incloſes land, and has a greater plenty of the conveniencies of life from ten acres, than he could have from an hundred left to nature, may truly be ſaid to give ninety acres to mankind: for his labour now ſupplies him with proviſions out of ten acres, which were but the product of an hundred lying in common. I have here rated the improved land very low, in making its product but as ten to one, when it is much nearer an hundred to one: for I aſk, whether in the wild woods and uncultivated waſte of *America*, left to nature, without any improvement, tillage or huſbandry, a thouſand acres yield the needy and wretched inhabitants as many conveniencies of life, as ten acres of equally fertile land do in *Devonſhire*, where they are well cultivated?

Before the appropriation of land, he who gathered as much of the wild fruit, killed, caught, or tamed, as many of the beaſts, as he could; he that ſo imployed his pains about any of the ſpontaneous products of nature, as any way to alter them from the ſtate which nature put them in, *by* placing any of his *labour* on them, did thereby *acquire a propriety in them*: but if they periſhed,

in

in his poſſeſſion, without their due uſe; if the fruits rotted, or the veniſon putrified, before he could ſpend it, he offended againſt the common law of nature, and was liable to be puniſhed; he invaded his neighbour's ſhare, for he had *no right, farther than his uſe* called for any of them, and they might ſerve to afford him conveniencies of life.

§. 38. The ſame *meaſures* governed the *poſſeſſion of land* too: whatſoever he tilled and reaped, laid up and made uſe of, before it ſpoiled, that was his peculiar right; whatſoever he encloſed, and could feed, and make uſe of, the cattle and product was alſo his. But if either the graſs of his incloſure rotted on the ground, or the fruit of his planting periſhed without gathering, and laying up, this part of the earth, notwithſtanding his incloſure, was ſtill to be looked on as waſte, and might be the poſſeſſion of any other. Thus, at the beginning, *Cain* might take as much ground as he could till, and make it his own land, and yet leave enough to *Abel*'s ſheep to feed on; a few acres would ſerve for both their poſſeſſions. But as families increaſed, and induſtry inlarged their ſtocks, their *poſſeſſions inlarged* with the need of them; but yet it was commonly *without any fixed property in the ground* they made uſe of, till they incorporated, ſettled themſelves together, and built cities; and then, by conſent, they came in time, to ſet out

the *bounds of their diſtinct territories*, and agree on limits between them and their neighbours; and by laws within themſelves, ſettled the *properties* of thoſe of the ſame ſociety: for we ſee, that in that part of the world which was firſt inhabited, and therefore like to be beſt peopled, even as low down as *Abraham*'s time, they wandered with their flocks, and their herds, which was their ſubſtance, freely up and down; and this *Abraham* did, in a country where he was a ſtranger. Whence it is plain, that at leaſt a great part of the *land lay in common*; that the inhabitants valued it not, nor claimed property in any more than they made uſe of. But when there was not room enough in the ſame place, for their herds to feed together, they by conſent, as *Abraham* and *Lot* did, *Gen.* xiii. 5. ſeparated and inlarged their paſture, where it beſt liked them. And for the ſame reaſon *Eſau* went from his father, and his brother, and planted in *mount Seir*, *Gen.* xxxvi. 6.

§. 39. And thus, without ſuppoſing any private dominion, and property in *Adam*, over all the world, excluſive of all other men, which can no way be proved, nor any one's property be made out from it; but ſuppoſing the *world* given, as it was, to the children of men *in common*, we ſee how *labour* could make men diſtinct titles to ſeveral parcels of it, for their

their private uſes; wherein there could be no doubt of right, no room for quarrel.

§. 40. Nor is it ſo ſtrange, as perhaps before conſideration it may appear, that the *property of labour* ſhould be able to over-balance the community of land: for it is *labour* indeed that *puts the difference of value* on every thing; and let any one conſider what the difference is between an acre of land planted with tobacco or ſugar, ſown with wheat or barley, and an acre of the ſame land lying in common, without any huſbandry upon it, and he will find, that the improvement of *labour makes* the far greater part of the value. I think it will be but a very modeſt computation to ſay, that of the *products* of the earth uſeful to the life of man nine tenths are the *effects of labour*: nay, if we will rightly eſtimate things as they come to our uſe, and caſt up the ſeveral expences about them, what in them is purely owing to *nature*, and what to *labour*, we ſhall find, that in moſt of them ninety-nine hundredths are wholly to be put on the account of *labour*.

§. 41. There cannot be a clearer demonſtration of any thing, than ſeveral nations of the *Americans* are of this, who are rich in land, and poor in all the comforts of life; whom nature having furniſhed as liberally as any other people, with the materials of plenty, *i. e.* a fruitful ſoil, apt to produce in abundance, what might

ſerve for food, raiment, and delight; yet for *want of improving it by labour*, have not one hundredth part of the conveniencies we enjoy: and a king of a large and fruitful territory there, feeds, lodges, and is clad worſe than a day-labourer in *England*.

§. 42. To make this a little clearer, let us but trace ſome of the ordinary proviſions of life, through their ſeveral progreſſes, before they come to our uſe, and ſee how much they receive of their *value from human induſtry*. Bread, wine and cloth, are things of daily uſe, and great plenty; yet notwithſtanding, acorns, water and leaves, or ſkins, muſt be our bread, drink and cloathing, did not *labour* furniſh us with theſe more uſeful commodities: for whatever *bread* is more worth than acorns, wine than water, and *cloth* or *ſilk*, than leaves, ſkins or moſs, that is wholly *owing to labour* and *induſtry*; the one of theſe being the food and raiment which unaſſiſted nature furniſhes us with; the other, proviſions which our induſtry and pains prepare for us, which how much they exceed the other in value, when any one hath computed, he will then ſee how much *labour makes the far greateſt part of the value* of things we enjoy in this world: and the ground which produces the materials, is ſcarce to be reckoned in, as any, or at moſt, but a very ſmall part of it; ſo little, that even amongſt us, land that is left wholly to

nature,

nature, that hath no improvement of paſturage, tillage, or planting, is called, as indeed it is, *waſte*; and we ſhall find the benefit of it amount to little more than nothing.

This ſhews how much numbers of men are to be preferred to largeneſs of dominions; and that the increaſe of lands, and the right employing of them, is the great art of government: and that prince, who ſhall be ſo wiſe and godlike, as by eſtabliſhed laws of liberty to ſecure protection and encouragement to the honeſt induſtry of mankind, againſt the oppreſſion of power and narrowneſs of party, will quickly be too hard for his neighbours: but this by the by. To return to the argument in hand,

§. 43. An acre of land, that bears here twenty buſhels of wheat, and another in *America*, which, with the ſame huſbandry, would do the like, are, without doubt, of the ſame natural intrinſic value: but yet the benefit mankind receives from the one in a year, is worth 5 *l.* and from the other poſſibly not worth a penny, if all the profit an *Indian* received from it were to be valued, and ſold here; at leaſt, I may truly ſay, not one thouſandth. It is *labour* then which *puts the greateſt part of value upon land*, without which it would ſcarcely be worth any thing: it is to that we owe the greateſt part of all its uſeful products; for all that the ſtraw, bran, bread, of that acre of wheat, is more

worth than the product of an acre of as good land, which lies waſte, is all the effect of labour: for it is not barely the plough-man's pains, the reaper's and threſher's toil, and the baker's ſweat, is to be counted into the *bread* we eat; the labour of thoſe who broke the oxen, who digged and wrought the iron and ſtones, who felled and framed the timber employed about the plough, mill, oven, or any other utenſils, which are a vaſt number, requiſite to this corn, from its being ſeed to be ſown to its being made bread, muſt all be *charged on* the account of *labour*, and received as an effect of that: nature and the earth furniſhed only the almoſt worthleſs materials, as in themſelves. It would be a ſtrange *catalogue of things, that induſtry provided and made uſe of, about every loaf of bread*, before it came to our uſe, if we could trace them; iron, wood, leather, bark, timber, ſtone, bricks, coals, lime, cloth, dying drugs, pitch, tar, maſts, ropes, and all the materials made uſe of in the ſhip, that brought any of the commodities made uſe of by any of the workmen, to any part of the work; all which it would be almoſt impoſſible, at leaſt too long, to reckon up.

§. 44. From all which it is evident, that though the things of nature are given in common, yet man, by being maſter of himſelf, and *proprietor of his own perſon, and the actions or labour of it, had ſtill in himſelf the great*

great foundation of property; and that, which made up the great part of what he applied to the ſupport or comfort of his being, when invention and arts had improved the conveniencies of life, was perfectly his own, and did not belong in common to others.

§. 45. Thus *labour*, in the beginning, *gave a right of property*, wherever any one was pleaſed to employ it upon what was common, which remained a long while the far greater part, and is yet more than mankind makes uſe of. Men, at firſt, for the moſt part, contented themſelves with what unaſſiſted nature offered to their neceſſities: and though afterwards, in ſome parts of the world, (where the increaſe of people and ſtock, with the *uſe of money*, had made land ſcarce, and ſo of ſome value) the ſeveral *communities* ſettled the bounds of their diſtinct territories, and by laws within themſelves regulated the properties of the private men of their ſociety, and ſo, *by compact* and agreement, *ſettled the property* which labour and induſtry began; and the leagues that have been made between ſeveral ſtates and kingdoms, either expreſly or tacitly diſowning all claim and right to the land in the others poſſeſſion, have, by common conſent, given up their pretences to their natural common right, which originally they had to thoſe countries, and ſo have, by *poſitive agreement*, *ſettled a property* amongſt themſelves, in diſtinct parts and parcels of the earth; yet there are ſtill

great

great tracts of ground to be found, which (the inhabitants thereof not having joined with the reſt of mankind, in the conſent of the uſe of their common money) *lie waſte*, and are more than the people who dwell on it do, or can make uſe of, and ſo ſtill lie in common; tho' this can ſcarce happen amongſt that part of mankind that have conſented to the uſe of money.

§. 46. The greateſt part of *things really uſeful* to the life of man, and ſuch as the neceſſity of ſubſiſting made the firſt commoners of the world look after, as it doth the *Americans* now, *are* generally things of *ſhort duration*; ſuch as, if they are not conſumed by uſe, will decay and periſh of themſelves: gold, ſilver and diamonds, are things that fancy or agreement hath put the value on, more than real uſe, and the neceſſary ſupport of life. Now of thoſe good things which nature hath provided in common, every one had a right (as hath been ſaid) to as much as he could uſe, and *property* in all that he could effect with his labour; all that his *induſtry* could extend to, to alter from the ſtate nature had put it in, was his. He that *gathered* a hundred buſhels of acorns or apples, had thereby a *property* in them, they were his goods as ſoon as gathered. He was only to look, that he uſed them before they ſpoiled, elſe he took more than his ſhare, and robbed others. And indeed it was a fooliſh thing, as well as diſhoneſt, to hoard up more

than he could make uſe of. If he gave away a part to any body elſe, ſo that it periſhed not uſeleſly in his poſſeſſion, theſe he alſo made uſe of. And if he alſo bartered away plums, that would have rotted in a week, for nuts that would laſt good for his eating a whole year, he did no injury; he waſted not the common ſtock; deſtroyed no part of the portion of goods that belonged to others, ſo long as nothing periſhed uſeleſly in his hands. Again, if he would give his nuts for a piece of metal, pleaſed with its colour; or exchange his ſheep for ſhells, or wool for a ſparkling pebble or a diamond, and keep thoſe by him all his life, he invaded not the right of others, he might heap up as much of theſe durable things as he pleaſed; the *exceeding of the bounds of* his *juſt property* not lying in the largeneſs of his poſſeſſion, but the periſhing of any thing uſeleſly in it.

§. 47. And thus *came in the uſe of money*, ſome laſting thing that men might keep without ſpoiling, and that by mutual conſent men would take in exchange for the truly uſeful, but periſhable ſupports of life.

§. 48. And as different degrees of induſtry were apt to give men poſſeſſions in different proportions, ſo this *invention of money* gave them the opportunity to continue and enlarge them: for ſuppoſing an iſland, ſeparate from all poſſible commerce with the reſt of the world, wherein there were but an hundred families, but there were ſheep, horſes

and

and cows, with other uſeful animals, wholſome fruits, and land enough for corn for a hundred thouſand times as many, but nothing in the iſland, either becauſe of its commonneſs, or periſhableneſs, fit to ſupply the place of *money*; what reaſon could any one have there to enlarge his poſſeſſions beyond the uſe of his family, and a plentiful ſupply to its *conſumption*, either in what their own induſtry produced, or they could barter for like periſhable, uſeful commodities, with others? Where there is not ſome thing, both laſting and ſcarce, and ſo valuable to be hoarded up, there men will be apt to enlarge their *poſſeſſions of land*, were it never ſo rich, never ſo free for them to take: for I aſk, what would a man value ten thouſand, or an hundred thouſand acres of excellent *land*, ready cultivated, and well ſtocked too with cattle, in the middle of the inland parts of *America*, where he had no hopes of commerce with other parts of the world, to draw *money* to him by the ſale of the product? It would not be worth the incloſing, and we ſhould ſee him give up again to the wild common of nature, whatever was more than would ſupply the conveniencies of life to be had there for him and his family.

§. 49. Thus in the beginning all the world was *America*, and more ſo than that is now; for no ſuch thing as *money* was any where known. Find out ſomething that hath the

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uſe and value of money amongſt his neighbours, you ſhall ſee the ſame man will begin preſently to enlarge his poſſeſſions.

§. 50. But ſince gold and ſilver, being little uſeful to the life of man in proportion to food, raiment, and carriage, has its *value* only from the conſent of men, whereof *labour* yet *makes*, in great part, *the meaſure*, it is plain, that men have agreed to a diſproportionate and unequal *poſſeſſion of the earth*, they having, by a tacit and voluntary conſent, found out a way how a man may fairly poſſeſs more land than he himſelf can uſe the product of, by receiving in exchange for the overplus gold and ſilver, which may be hoarded up without injury to any one; theſe metals not ſpoiling or decaying in the hands of the poſſeſſor. This partage of things in an inequality of private poſſeſſions, men have made practicable out of the bounds of ſociety, and without compact, only by putting a value on gold and ſilver, and tacitly agreeing in the uſe of money: for in governments, the laws regulate the right of property, and the poſſeſſion of land is determined by poſitive conſtitutions.

§. 51. And thus, I think, it is very eaſy to conceive, without any difficulty, *how labour could at firſt begin a title of property* in the common things of nature, and how the ſpending it upon our uſes bounded it. So that there could then be no reaſon of quarrelling about

about title, nor any doubt about the largeneſs of poſſeſſion it gave. Right and conveniency went together; for as a man had a right to all he could employ his labour upon, ſo he had no temptation to labour for more than he could make uſe of. This left no room for controverſy about the title, nor for incroachment on the right of others; what portion a man carved to himſelf, was eaſily ſeen; and it was uſeleſs, as well as diſhoneſt, to carve himſelf too much, or take more than he needed.

CHAP. VI.

Of Paternal Power.

§. 52. IT may perhaps be cenſured as an impertinent criticiſm, in a diſcourſe of this nature, to find fault with words and names, that have obtained in the world: and yet poſſibly it may not be amiſs to offer new ones, when the old are apt to lead men into miſtakes, as this of *paternal power* probably has done, which ſeems ſo to place the power of parents over their children wholly in the *father*, as if the *mother* had no ſhare in it; whereas, if we conſult reaſon or revelation, we ſhall find, ſhe hath an equal title. This may give one reaſon to aſk, whether this might not be more properly called *parental power*? for whatever obligation nature

and

and the right of generation lays on children, it muſt certainly bind them equal to both the concurrent cauſes of it. And accordingly we ſee the poſitive law of God every where joins them together, without diſtinction, when it commands the obedience of children, *Honour thy father and thy mother*, Exod. xx. 12. *Whoſoever curſeth his father or his mother*, Lev. xx. 9. *Ye ſhall fear every man his mother and his father*, Lev. xix. 3. *Children, obey your parents*, &c. Eph. vi. 1. is the ſtile of the Old and New Teſtament.

§. 53. Had but this one thing been well conſidered, without looking any deeper into the matter, it might perhaps have kept men from running into thoſe groſs miſtakes, they have made, about this power of parents; which, however it might, without any great harſhneſs, bear the name of abſolute dominion, and regal authority, when under the title of *paternal power* it ſeemed appropriated to the father, would yet have ſounded but oddly, and in the very name ſhewn the abſurdity, if this ſuppoſed abſolute power over children had been called *parental*; and thereby have diſcovered, that it belonged to the *mother* too: for it will but very ill ſerve the turn of thoſe men, who contend ſo much for the abſolute power and authority of the *fatherhood*, as they call it, that the mother ſhould have any ſhare in it; and it would have but ill ſupported the *monarchy* they contend for, when

when by the very name it appeared, that that fundamental authority, from whence they would derive their government of a ſingle perſon only, was not placed in one, but two perſons jointly. But to let this of names paſs.

§. 54. Though I have ſaid above, *Chap.* II. *That all men by nature are equal*, I cannot be ſuppoſed to underſtand all ſorts of *equality*: *age* or *virtue* may give men a juſt precedency: *excellency of parts* and *merit* may place others above the common level: *birth* may ſubject ſome, and *alliance* or *benefits* others, to pay an obſervance to thoſe to whom nature, gratitude, or other reſpects, may have made it due: and yet all this conſiſts with the *equality*, which all men are in, in reſpect of juriſdiction or dominion one over another; which was the *equality* I there ſpoke of, as proper to the buſineſs in hand, being that *equal right*, that every man hath, *to his natural freedom*, without being ſubjected to the will or authority of any other man.

§. 55. *Children*, I confeſs, are not born in this full ſtate of *equality*, though they are born to it. Their parents have a ſort of rule and juriſdiction over them, when they come into the world, and for ſome time after; but it is but a temporary one. The bonds of this ſubjection are like the ſwaddling clothes they art wrapt up in, and ſupported by, in the weakneſs of their infancy: age and reaſon

reaſon as they grow up, looſen them, till at length they drop quite off, and leave a man at his own free diſpoſal.

§. 56. *Adam* was created a perfect man, his body and mind in full poſſeſſion of their ſtrength and reaſon, and ſo was capable, from the firſt inſtant of his being to provide for his own ſupport and preſervation, and govern his actions according to the dictates of the law of reaſon which God had implanted in him. From him the world is peopled with his deſcendants, who are all born infants, weak and helpleſs, without knowledge or underſtanding: but to ſupply the defects of this imperfect ſtate, till the improvement of growth and age hath removed them, *Adam* and *Eve*, and after them all *parents* were, by the law of nature, *under an obligation to preſerve, nouriſh, and educate the children* they had begotten; not as their own workmanſhip, but the workmanſhip of their own maker, the Almighty, to whom they were to be accountable for them.

§. 57. The law, that was to govern *Adam*, was the ſame that was to govern all his poſterity, the *law of reaſon*. But his offſpring having another way of entrance into the world, different from him, by a natural birth, that produced them ignorant and without the uſe of *reaſon*, they were not preſently *under that law*; for no body can be under a law, which is not promulgated

to him; and this law being promulgated or made known by *reaſon* only, he that is not come to the uſe of his *reaſon*, cannot be ſaid to be *under this law*; and *Adam*'s children, being not preſently as ſoon as born *under this law of reaſon*, were not preſently *free*: for *law*, in its true notion, *is* not ſo much the limitation as *the direction of a free and intelligent agent* to his proper intereſt, and preſcribes no farther than is for the general good of thoſe under that law: could they be happier without it, the *law*, as an uſeleſs thing, would of itſelf vaniſh; and that ill deſerves the name of confinement which hedges us in only from bogs and precipices. So that, however it may be miſtaken, *the end of law is* not to aboliſh or reſtrain, but *to preſerve and enlarge freedom*: for in all the ſtates of created beings capable of laws, *where there is no law, there is no freedom*: for *liberty* is, to be free from reſtraint and violence from others; which cannot be, where there is no law: but freedom is not, as we are told, *a liberty for every man to do what he liſts*: (for who could be free, when every other man's humour might domineer over him?) but a *liberty* to diſpoſe, and order as he liſts, his perſon, actions, poſſeſſions, and his whole property, within the allowance of thoſe laws under which he is, and therein not to be ſubject to the arbitrary will of another, but freely follow his own.

§. 58.

§. 58. The *power*, then, *that parents have* over their children, ariſes from that duty which is incumbent on them, to take care of their off-ſpring, during the imperfect ſtate of childhood. To inform the mind, and govern the actions of their yet ignorant non-age, till reaſon ſhall take its place, and eaſe them of that trouble, is what the children want, and the parents are bound to: for God having given man an underſtanding to direct his actions, has allowed him a freedom of will, and liberty of acting, as properly belonging thereunto, within the bounds of that law he is under. But whilſt he is in an eſtate, wherein he has not *underſtanding* of his own to direct his *will*, he is not to have any *will* of his own to follow: he that *underſtands* for him, muſt *will* for him too; he muſt preſcribe to his will, and regulate his actions; but when he comes to the eſtate that made his *father a freeman*, the *ſon is a freeman* too.

§. 59. This holds in all the laws a man is under, whether natural or civil. Is a man under the law of nature? *What made him free* of that law? what gave him a free diſpoſing of his property, according to his own will, within the compaſs of that law? I anſwer, a ſtate of maturity wherein he might be ſuppoſed capable to know that law, that ſo he might keep his actions within the bounds of it. When he has acquired that ſtate, he is

preſumed to know how far that law is to be his guide, and how far he may make uſe of his *freedom*, and ſo comes to have it; till then, ſome body elſe muſt guide him, who is preſumed to know how far the law allows a liberty. If ſuch a ſtate of reaſon, ſuch an age of diſcretion *made him free*, the ſame ſhall make his ſon free too. Is a man under the law of *England? What made him free* of that law? that is, to have the liberty to diſpoſe of his actions and poſſeſſions according to his own will, within the permiſſion of that law? A capacity of knowing that law; which is ſuppoſed by that law, at the age of one and twenty years, and in ſome caſes ſooner. If this *made* the father *free*, it ſhall *make* the ſon *free* too. Till then we ſee the law allows the ſon to have no will, but he is to be guided by the will of his father or guardian, who is to underſtand for him. And if the father die, and fail to ſubſtitute a deputy in his truſt; if he hath not provided a tutor, to govern his ſon, during his minority, during his want of underſtanding, the law takes care to do it; ſome other muſt govern him, and be a will to him, till he hath *attained to a ſtate of freedom*, and his underſtanding be fit to take the government of his will. But after that, the father and ſon are equally *free* as much as tutor and pupil after nonage; equally ſubjects of the ſame law together, without any dominion left

eſt in the father over the life, liberty, or eſtate of his ſon, whether they be only in the ſtate and under the law of nature, or under the poſitive laws of an eſtabliſhed government.

§. 60. But if, through defects that may happen out of the ordinary courſe of nature, any one comes not to ſuch a degree of reaſon, wherein he might be ſuppoſed capable of knowing the law, and ſo living within the rules of it, he is *never capable of being a free man*, he is never let looſe to the diſpoſure of his own will (becauſe he knows no bounds to it, has not underſtanding, its proper guide) but is continued under the tuition and government of others, all the time his own underſtanding is uncapable of that charge. And ſo *lunatics* and *ideots* are never ſet free from the government of their parents; *children, who are not as yet come unto thoſe years whereat they may have; and innocents which are excluded by a natural defect from ever having*; thirdly, *madmen, which for the preſent cannot poſſibly have the uſe of right reaſon to guide themſelves, have for their guide, the reaſon that guideth other men which are tutors over them, to ſeek and procure their good for them, ſays* Hooker, Eccl. Pol. *lib.* i. *ſect.* 7. All which ſeems no more than that duty, which God and nature has laid on man, as well as other creatures, to preſerve their offſpring, till they can be able to ſhift for themſelves,

ſelves, and will ſcarce amount to an inſtance or proof of *parents* regal authority.

§. 61. Thus we are *born free*, as we are born rational; not that we have actually the exerciſe of either: age, that brings one, brings with it the other too. And thus we ſee how *natural freedom and ſubjection to parents* may conſiſt together, and are both founded on the ſame principle. A *child* is *free* by his father's title, by his father's underſtanding, which is to govern him till he hath it of his own. The *freedom of a man at years of diſcretion*, and the *ſubjection* of a child *to* his *parents*, whilſt yet ſhort of that age, are ſo conſiſtent, and ſo diſtinguiſhable, that the moſt blinded contenders for monarchy, *by right of fatherhood*, cannot miſs this *difference*; the moſt obſtinate cannot but allow their conſiſtency: for were their doctrine all true, were the right heir of *Adam* now known, and by that title ſettled a monarch in his throne, inveſted with all the abſolute unlimited power Sir *Robert Filmer* talks of; if he ſhould die as ſoon as his heir were born, muſt not the *child*, notwithſtanding he were never ſo free, never ſo much ſovereign, be in ſubjection to his mother and nurſe, to tutors and governors, till age and education brought him reaſon and ability to govern himſelf and others? The neceſſities of his life, the health of his body, and the information of his mind, would require him to be directed

directed by the will of others, and not his own; and yet will any one think, that this reſtraint and ſubjection were inconſiſtent with, or ſpoiled him of that liberty or ſovereignty he had a right to, or gave away his empire to thoſe who had the government of his nonage? This government over him only prepared him the better and ſooner for it. If any body ſhould aſk me, when my ſon is *of age to be free?* I ſhall anſwer, juſt when his monarch is of age to govern. *But at what time*, ſays the judicious *Hooker*, Eccl. Pol. l. i. ſect. 6. *a man may be ſaid to have attained ſo far forth the uſe of reaſon, as ſufficeth to make him capable of thoſe laws whereby he is then bound to guide his actions: this is a great deal more eaſy for ſenſe to diſcern, than for any one by ſkill and learning to determine.*

§. 62. Common-wealths themſelves take notice of, and allow, that there is a *time when men* are to *begin to act like free men*, and therefore till that time require not oaths of fealty, or allegiance, or other public owning of, or ſubmiſſion to the government of their countries.

§. 63. The *freedom* then of man, and liberty of acting according to his own will, is *grounded on* his having *reaſon*, which is able to inſtruct him in that law he is to govern himſelf by, and make him know how far he is left to the freedom of his own will. To turn him looſe to an unreſtrained liberty,

before he has reaſon to guide him, is not the allowing him the privilege of his nature to be free; but to thruſt him out amongſt brutes, and abandon him to a ſtate as wretched, and as much beneath that of a man, as their's. This is that which puts the *authority* into the *parents* hands to govern the *minority* of their children. God hath made it their buſineſs to employ this care on their off-ſpring, and hath placed in them ſuitable inclinations of tenderneſs and concern to temper this power, to apply it, as his wiſdom deſigned it, to the children's good, as long as they ſhould need to be under it.

§. 64. But what reaſon can hence advance this care of the *parents* due to their off-ſpring into an *abſolute arbitrary dominion* of the father, whoſe power reaches no farther, than by ſuch a diſcipline, as he finds moſt effectual, to give ſuch ſtrength and health to their bodies, ſuch vigour and rectitude to their minds, as may beſt fit his children to be moſt uſeful to themſelves and others; and, if it be neceſſary to his condition, to make them work, when they are able, for their own ſubſiſtence. But in this power the *mother* too has her ſhare with the *father*.

§. 65. Nay, this *power* ſo little belongs to the *father* by any peculiar right of nature, but only as he is guardian of his children, that when he quits his care of them, he loſes his power over them, which goes along with

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their nouriſhment and education, to which it is inſeparably annexed; and it belongs as much to the *foſter-father* of an expoſed child, as to the natural father of another. So little power does the bare *act of begetting* give a man over his iſſue; if all his care ends there, and this be all the title he hath to the name and authority of a father. And what will become of this *paternal power* in that part of the world, where one woman hath more than one huſband at a time? or in thoſe parts of *America*, where, when the huſband and wife part, which happens frequently, the children are all left to the mother, follow her, and are wholly under her care and proviſion? If the father die whilſt the children are young, do they not naturally every where owe the ſame obedience to their *mother*, during their minority, as to their father were he alive? and will any one ſay, that the mother hath a legiſlative power over her children? that ſhe can make ſtanding rules, which ſhall be of perpetual obligation, by which they ought to regulate all the concerns of their property, and bound their liberty all the courſe of their lives? or can ſhe inforce the obſervation of them with capital puniſhments? for this is the proper *power of the magiſtrate*, of which the father hath not ſo much as the ſhadow. His command over his children is but temporary, and reaches not their life or property: it is but a help to the weakneſs and

imperfection

imperfection of their nonage, a diſcipline neceſſary to their education: and though a *father* may diſpoſe of his own poſſeſſions as he pleaſes, when his children are out of danger of periſhing for want, yet *his power* extends not to the lives or goods, which either their own induſtry, or another's bounty has made their's; nor to their liberty neither, when they are once arrived to the infranchiſement of the years of diſcretion. The *father*'s *empire* then ceaſes, and he can from thence forwards no more diſpoſe of the liberty of his ſon, than that of any other man: and it muſt be far from an abſolute or perpetual juriſdiction, from which a man may withdraw himſelf, having licence from divine authority to *leave father and mother, and cleave to his wife.*

§. 66. But though there be a time when a *child* comes to be as *free* from ſubjection to the will and command of his father, as the father himſelf is free from ſubjection to the will of any body elſe, and they are each under no other reſtraint, but that which is common to them both, whether it be the law of nature, or municipal law of their country; yet this freedom exempts not a ſon from that *honour* which he ought, by the law of God and nature, *to* pay his *parents*. God having made the parents inſtruments in his great deſign of continuing the race of mankind, and the occaſions of life to their children;

dren; as he hath laid on them an obligation to nouriſh, preſerve, and bring up their offſpring; ſo he has laid on the children a perpetual obligation of *honouring their parents*, which containing in it an inward eſteem and reverence to be ſhewn by all outward expreſſions, ties up the child from any thing that may ever injure or affront, diſturb or endanger, the happineſs or life of thoſe from whom he received his; and engages him in all actions of defence, relief, aſſiſtance and comfort of thoſe, by whoſe means he entered into being, and has been made capable of any enjoyments of life: from this obligation no ſtate, no freedom can abſolve children. But this is very far from giving parents a power of command over their children, or an authority to make laws and diſpoſe as they pleaſe of their lives or liberties. It is one thing to owe honour, reſpect, gratitude and aſſiſtance; another to require an abſolute obedience and ſubmiſſion. The *honour due to parents*, a monarch in his throne owes his mother; and yet this leſſens not his authority, nor ſubjects him to her government.

§. 67. The ſubjection of a minor places in the father a temporary government, which terminates with the minority of the child: and the *honour due from a child*, places in the parents a perpetual right to reſpect, reverence, ſupport and compliance too, more or leſs, as the father's care, coſt, and kindneſs

in

in his education, has been more or leſs. This ends not with minority, but holds in all parts and conditions of a man's life. The want of diſtinguiſhing theſe two powers, *viz.* that which the father hath in the right of *tuition*, during minority, and the right of *honour* all his life, may perhaps have cauſed a great part of the miſtakes about this matter: for to ſpeak properly of them, the firſt of theſe is rather the privilege of children, and duty of parents, than any prerogative of paternal power. The nouriſhment and education of their children is a charge ſo incumbent on parents for their children's good, that nothing can abſolve them from taking care of it: and though the *power of commanding and chaſtiſing* them go along with it, yet God hath woven into the principles of human nature ſuch a tenderneſs for their off-ſpring, that there is little fear that parents ſhould uſe their power with too much rigour; the exceſs is ſeldom on the ſevere ſide, the ſtrong byaſs of nature drawing the other way. And therefore God almighty when he would expreſs his gentle dealing with the *Iſraelites*, he tells them, that though he chaſtened them, *he chaſtened them as a man chaſtens his ſon*, Deut. viii. 5. *i. e.* with tenderneſs and affection, and kept them under no ſeverer diſcipline than what was abſolutely beſt for them, and had been leſs kindneſs to have ſlackened. This is that power to which *children* are commanded *obe-*

dience,

dience, that the pains and care of their parents may not be increaſed, or ill rewarded.

§. 68. On the other ſide, *honour* and *ſupport*, all that which gratitude requires to return for the benefits received by and from them, is the indiſpenſible duty of the child, and the proper privilege of the parents. This is intended for the parents advantage, as the other is for the child's; though education, the parents duty, ſeems to have moſt power, becauſe the ignorance and infirmities of childhood ſtand in need of reſtraint and correction; which is a viſible exerciſe of rule, and a kind of dominion. And that duty which is comprehended in the word *honour*, requires leſs obedience, though the obligation be ſtronger on grown, than younger children: for who can think the command, *Children obey your parents*, requires in a man, that has children of his own, the ſame ſubmiſſion to his father, as it does in his yet young children to him; and that by this precept he were bound to obey all his father's commands, if, out of a conceit of authority, he ſhould have the indiſcretion to treat him ſtill as a boy?

§. 69. The firſt part then of *paternal power*, or rather duty, which is *education*, belongs ſo to the father, that it terminates at a certain ſeaſon; when the buſineſs of education is over, it ceaſes of itſelf, and is alſo alienable before: for a man may put the tuition of his ſon in other hands; and he that has made

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his ſon an *apprentice* to another, has diſcharged him, during that time, of a great part of his obedience both to himſelf and to his mother. But all the *duty of honour*, the other part, remains never the leſs entire to them; nothing can cancel that: it is ſo inſeparable from them both, that the father's authority cannot diſpoſſeſs the mother of this right, nor can any man diſcharge his ſon from *honouring* her that bore him. But both theſe are very far from a power to make laws, and inforcing them with penalties, that may reach eſtate, liberty, limbs and life. The power of commanding ends with nonage; and though, after that, *honour* and reſpect, ſupport and defence, and whatſoever gratitude can oblige a man to, for the higheſt benefits he is naturally capable of, be always due from a ſon to his parents; yet all this puts no ſcepter into the father's hand, no ſovereign power of commanding. He has no dominion over his ſon's property, or actions; nor any right, that his will ſhould preſcribe to his ſon's in all things; however it may become his ſon in many things, not very inconvenient to him and his family, to pay a deference to it.

§. 70. A man may owe *honour* and reſpect to an ancient, or wiſe man; defence to his child or friend; relief and ſupport to the diſtreſſed; and gratitude to a benefactor, to ſuch a degree, that all he has, all he can do, cannot

cannot ſufficiently pay it: but all theſe give no authority, no right to any one, of making laws over him from whom they are owing. And it is plain, all this is due not only to the bare title of father; not only becauſe, as has been ſaid, it is owing to the mother too; but becauſe theſe obligations to parents, and the degrees of what is required of children, may be varied by the different care and kindneſs, trouble and expence, which is often employed upon one child more than another.

§. 71. This ſhews the reaſon how it comes to paſs, that *parents in ſocieties*, where they themſelves are ſubjects, retain a *power over their children*, and have as much right to their ſubjection, as thoſe who are in the ſtate of nature. Which could not poſſibly be, if all political power were only paternal, and that in truth they were one and the ſame thing: for then, all paternal power being in the prince, the ſubject could naturally have none of it. But theſe two *powers*, *political* and *paternal*, are ſo perfectly diſtinct and ſeparate; are built upon ſo different foundations, and given to ſo different ends, that every ſubject that is a father, has as much a paternal power over his children, as the prince has over his: and every prince, that has parents, owes them as much filial duty and obedience, as the meaneſt of his ſubjects do to their's; and can therefore contain not any

part or degree of that kind of dominion, which a prince or magiſtrate has over his ſubject.

§. 72. Though the obligation on the parents to *bring up* their children, and the obligation on children to *honour* their parents, contain all the power on the one hand, and ſubmiſſion on the other, which are proper to this relation, yet there is *another power* ordinarily *in the father*, whereby he has a tie on the obedience of his children; which tho' it be common to him with other men, yet the occaſions of ſhewing it, almoſt conſtantly happening to fathers in their private families, and the inſtances of it elſewhere being rare, and leſs taken notice of, it paſſes in the world for a part of *paternal juriſdiction*. And this is the power men generally have to *beſtow their eſtates* on thoſe who pleaſe them beſt; the poſſeſſion of the father being the expectation and inheritance of the children, ordinarily in certain proportions, according to the law and cuſtom of each country; yet it is commonly in the father's power to beſtow it with a more ſparing or liberal hand, according as the behaviour of this or that child hath comported with his will and humour.

§. 73. This is no ſmall tie on the obedience of children: and there being always annexed to the enjoyment of land, a ſubmiſſion to the government of the country,

of

of which that land is a part; it has been commonly ſuppoſed, that a *father* could *oblige his poſterity to that government*, of which he himſelf was a ſubject, and that his compact held them; whereas, it being only a neceſſary condition annexed to the land, and the inheritance of an eſtate which is under that government, reaches only thoſe who will take it on that condition, and ſo is no natural tie or engagement, but a voluntary ſubmiſſion: for *every man's children* being by nature as *free* as himſelf, or any of his anceſtors ever were, may, whilſt they are in that freedom, chooſe what ſociety they will join themſelves to, what common-wealth they will put themſelves under. But if they will enjoy the *inheritance* of their anceſtors, they muſt take it on the ſame terms their anceſtors had it, and ſubmit to all the conditions annexed to ſuch a poſſeſſion. By this power indeed fathers oblige their children to obedience to themſelves, even when they are paſt minority, and moſt commonly too ſubject them to this or that political power: but neither of theſe by any peculiar right of *fatherhood*, but by the reward they have in their hands to inforce and recompence ſuch a compliance; and is no more power than what a *French man* has over an *Engliſh man*, who by the hopes of an eſtate he will leave him, will certainly have a ſtrong tie on his obedience: and if, when it is left him, he will enjoy it,

he must certainly take it upon the conditions annexed to the *possession of land* in that country where it lies, whether it be *France* or *England*.

§. 74. To conclude then, tho' the *father's power* of commanding extends no farther than the minority of his children, and to a degree only fit for the discipline and government of that age; and tho' that *honour* and *respect*, and all that which the *Latins* called *piety*, which they indispensibly owe to their parents all their life-time, and in all estates, with all that support and defence is due to them, gives the father no power of governing, *i. e.* making laws and enacting penalties on his children; though by all this he has no dominion over the property or actions of his son: yet it is obvious to conceive how easy it was, in the first ages of the world, and in places still, where the thinness of people gives families leave to separate into unpossessed quarters, and they have room to remove or plant themselves in yet vacant habitations, for the *father of the family* to become the prince of * it; he had been

* It is no improbable opinion therefore, which the arch-philosopher was of, that the chief person in every household was always, as it were, a king: so when numbers of households joined themselves in civil societies together, kings were the first kind of governors amongst them, which is also, as it seemeth, the reason why the name of fathers continued still in them, who, of fathers, were made rulers; as also

been a ruler from the beginning of the infancy of his children: and ſince without ſome government it would be hard for them to live together, it was likelieſt it ſhould, by the expreſs or tacit conſent of the children when they were grown up, be in the father, where it ſeemed without any change barely to continue; when indeed nothing more was required to it, than the permitting the *father* to exerciſe alone, in his family, that executive power of the law of nature, which every free man naturally hath, and by that permiſſion reſigning up to him a monarchical power, whilſt they remained in it. But that this was not by any *paternal right*, but only by the conſent of his children, is evident from hence, that no body doubts, but if a ſtranger, whom chance or buſineſs had brought to his family, had there killed any of his children, or committed any other fact, he might condemn and put him to death, or otherwiſe have puniſhed him, as well as any of his children;

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alſo the ancient cuſtom of governors to do as *Melchizedec*, and being kings, to exerciſe the office of prieſts, which fathers did at the firſt, grew perhaps by the ſame occaſion. Howbeit, this is not the only kind of regiment that has been received in the world. The inconveniences of one kind have cauſed ſundry others to be deviſed; ſo that in a word, all public regiment, of what kind ſoever, ſeemeth evidently to have riſen from the deliberate advice, conſultation and compoſition between men, judging it convenient and behoveful; there being no impoſſibility in nature conſidered by itſelf, but that man might have lived without any public regiment. *Hooker's Eccl. P. lib.* i. *ſect.* 10.

children; which it was impoſſible he ſhould do by virtue of any paternal authority over one who was not his child, but by virtue of that executive power of the law of nature, which, as a man, he had a right to: and he alone could puniſh him in his family, where the reſpect of his children had laid by the exerciſe of ſuch a power, to give way to the dignity and authority they were willing ſhould remain in him, above the reſt of his family.

§. 75. Thus it was eaſy, and almoſt natural for children, by a tacit, and ſcarce avoidable conſent, to make way for the *father's authority and government*. They had been accuſtomed in their childhood to follow his direction, and to refer their little differences to him; and when they were men, who fitter to rule them? Their little properties, and leſs covetouſneſs, ſeldom afforded greater controverſies; and when any ſhould ariſe, where could they have a fitter umpire than he, by whoſe care they had every one been ſuſtained and brought up, and who had a tenderneſs for them all? It is no wonder that they made no diſtinction betwixt minority and full age; nor looked after one and twenty, or any other age that might make them the free diſpoſers of themſelves and fortunes, when they could have no deſire to be out of their pupilage: the government they had been under, during it, continued ſtill to be more

their

their protection than reſtraint; and they could no where find a greater ſecurity to their peace, liberties, and fortunes, than in the *rule of a father*.

§. 76. Thus the natural *fathers of families*, by an inſenſible change, became the *politic monarchs* of them too: and as they chanced to live long, and leave able and worthy heirs, for ſeveral ſucceſſions, or otherwiſe; ſo they laid the foundations of hereditary, or elective kingdoms, under ſeveral conſtitutions and mannors, according as chance, contrivance, or occaſions happened to mould them. But if princes have their titles in their fathers right, and it be a ſufficient proof of the natural *right of fathers* to political authority, becauſe they commonly were thoſe in whoſe hands we find, *de facto*, the exerciſe of government: I ſay, if this argument be good, it will as ſtrongly prove, that all princes, nay princes only, ought to be prieſts, ſince it is as certain, that in the beginning, *the father of the family was prieſt, as that he was ruler in his own houſhold.*

CHAP. VII.

Of Political or Civil Society.

§. 77. GOD having made man ſuch a creature, that in his own judgment, it was not good for him to be alone,

put him under ſtrong obligations of neceſſity, convenience, and inclination to drive him into *ſociety*, as well as fitted him with underſtanding and language to continue and enjoy it. The *firſt ſociety* was between man and wife, which gave beginning to that between parents and children; to which, in time, that between maſter and ſervant came to be added: and though all theſe might, and commonly did meet together, and make up but one family, wherein the maſter or miſtreſs of it had ſome ſort of rule proper to a family; each of theſe, or all together, came ſhort of *political ſociety*, as we ſhall ſee, if we conſider the different ends, ties, and bounds of each of theſe.

§. 78. *Conjugal ſociety* is made by a voluntary compact between man and woman; and tho' it conſiſt chiefly in ſuch a communion and right in one another's bodies as is neceſſary to its chief end, procreation; yet it draws with it mutual ſupport and aſſiſtance, and a communion of intereſts too, as neceſſary not only to unite their care and affection, but alſo neceſſary to their common off-ſpring, who have a right to be nouriſhed, and maintained by them, till they are able to provide for themſelves.

§. 79. For the end of *conjunction, between male and female*, being not barely procreation, but the continuation of the ſpecies; this conjunction betwixt male and female ought to laſt,

laſt, even after procreation, ſo long as is neceſſary to the nouriſhment and ſupport of the young ones, who are to be ſuſtained by thoſe that got them, till they are able to ſhift and provide for themſelves. This rule, which the infinite wiſe maker hath ſet to the works of his hands, we find the inferior creatures ſteadily obey. In thoſe viviparous animals which feed on graſs, the *conjunction between male and female* laſts no longer than the very act of copulation; becauſe the teat of the dam being ſufficient to nouriſh the young, till it be able to feed on graſs, the male only begets, but concerns not himſelf for the female or young, to whoſe ſuſtenance he can contribute nothing. But in beaſts of prey the *conjunction* laſts longer: becauſe the dam not being able well to ſubſiſt herſelf, and nouriſh her numerous off-ſpring by her own prey alone, a more laborious, as well as more dangerous way of living, than by feeding on graſs, the aſſiſtance of the male is neceſſary to the maintenance of their common family, which cannot ſubſiſt till they are able to prey for themſelves, but by the joint care of male and female. The ſame is to be obſerved in all birds, (except ſome domeſtic ones, where plenty of food excuſes the cock from feeding, and taking care of the young brood) whoſe young needing food in the neſt, the cock and hen continue mates, till the young are able

to uſe their wing, and provide for themſelves.

§. 80. And herein I think lies the chief, if not the only reaſon, *why the male and female in mankind are tied to a longer conjunction* than other creatures, *viz.* becauſe the female is capable of conceiving, and *de facto* is commonly with child again, and brings forth too a new birth, long before the former is out of a dependency for ſupport on his parents help, and able to ſhift for himſelf, and has all the aſſiſtance is due to him from his parents: whereby the father, who is bound to take care for thoſe he hath begot, is under an obligation to continue in conjugal ſociety with the ſame woman longer than other creatures, whoſe young being able to ſubſiſt of themſelves, before the time of procreation returns again, the conjugal bond diſſolves of itſelf, and they are at liberty, till *Hymen* at his uſual anniverſary ſeaſon ſummons them again to chuſe new mates. Wherein one cannot but admire the wiſdom of the great Creator, who having given to man foreſight, and an ability to lay up for the future, as well as to ſupply the preſent neceſſity, hath made it neceſſary, that *ſociety of man and wife ſhould be more laſting*, than of male and female amongſt other creatures; that ſo their induſtry might be encouraged, and their intereſt better united, to make proviſion and lay up goods for their common iſſue, which uncertain

uncertain mixture, or eaſy and frequent ſolutions of conjugal ſociety would mightily diſturb.

§. 81. But tho' theſe are ties upon *mankind*, which make the *conjugal bonds* more firm and laſting in man, than the other ſpecies of animals; yet it would give one reaſon to enquire, why this *compact*, where procreation and education are ſecured, and inheritance taken care for, may not be made determinable, either by conſent, or at a certain time, or upon certain conditions, as well as any other voluntary compacts, there being no neceſſity in the nature of the thing, nor to the ends of it, that it ſhould always be for life; I mean, to ſuch as are under no reſtraint of any poſitive law, which ordains all ſuch contracts to be perpetual.

§. 82. But the huſband and wife, though they have but one common concern, yet having different underſtandings, will unavoidably ſometimes have different wills too; it therefore being neceſſary that the laſt determination, *i. e.* the rule, ſhould be placed ſomewhere; it naturally falls to the man's ſhare, as the abler and the ſtronger. But this reaching but to the things of their common intereſt and property, leaves the wife in the full and free poſſeſſion of what by contract is her peculiar right, and gives the huſband no more power over her life than ſhe has over his; the *power of the huſband* being

ſo far from that of an abſolute monarch, that the *wife* has in many caſes a liberty to ſeparate from him, where natural right, or their contract allows it; whether that contract be made by themſelves in the ſtate of nature, or by the cuſtoms or laws of the country they live in; and the children upon ſuch ſeparation fall to the father or mother's lot, as ſuch contract does determine.

§. 83. For all the ends of *marriage* being to be obtained under politic government, as well as in the ſtate of nature, the civil magiſtrate doth not abridge the right or power of either naturally neceſſary to thoſe ends, *viz.* procreation and mutual ſupport and aſſiſtance whilſt they are together; but only decides any controverſy that may ariſe between man and wife about them. If it were otherwiſe, and that abſolute *ſovereignty* and power of life and death naturally belonged to the huſband, and were *neceſſary to the ſociety between man and wife*, there could be no matrimony in any of thoſe countries where the huſband is allowed no ſuch abſolute authority. But the ends of matrimony requiring no ſuch power in the huſband, the condition of *conjugal ſociety* put it not in him, it being not at all neceſſary to that ſtate. *Conjugal ſociety* could ſubſiſt and attain its ends without it; nay, community of goods, and the power over them, mutual aſſiſtance and maintenance, and other things belonging to *conjugal ſociety*, might

might be varied and regulated by that contract which unites man and wife in that ſociety, as far as may conſiſt with procreation and the bringing up of children till they could ſhift for themſelves; nothing being neceſſary to any ſociety, that is not neceſſary to the ends for which it is made.

§. 84. The *ſociety betwixt parents and children*, and the diſtinct rights and powers belonging reſpectively to them, I have treated of ſo largely, in the foregoing chapter, that I ſhall not here need to ſay any thing of it. And I think it is plain, that it is far different from a politic ſociety.

§. 85. *Maſter* and *ſervant* are names as old as hiſtory, but given to thoſe of far different condition; for a freeman makes himſelf a ſervant to another, by ſelling him, for a certain time, the ſervice he undertakes to do, in exchange for wages he is to receive: and though this commonly puts him into the family of his maſter, and under the ordinary diſcipline thereof; yet it gives the maſter but a temporary power over him, and no greater than what is contained in the *contract* between them. But there is another ſort of ſervants, which by a peculiar name we call *ſlaves*, who being captives taken in a juſt war, are by the right of nature ſubjected to the abſolute dominion and arbitrary power of their maſters. Theſe men having, as I ſay, forfeited their lives, and with it their

liberties, and loſt their eſtates; and being in the *ſtate of ſlavery*, not capable of any property, cannot in that ſtate be conſidered as any part of *civil ſociety*; the chief end whereof is the preſervation of property.

§. 86. Let us therefore conſider a *maſter of a family* with all theſe ſubordinate relations of *wife, children, ſervants*, and *ſlaves*, united under the domeſtic rule of a family; which, what reſemblance ſoever it may have in its order, offices, and number too, with a little common-wealth, yet is very far from it, both in its conſtitution, power and end: or if it muſt be thought a monarchy, and the *paterfamilias* the abſolute monarch in it, abſolute monarchy will have but a very ſhattered and ſhort power, when it is plain, by what has been ſaid before, that the *maſter of the family* has a very diſtinct and differently limited *power*, both as to time and extent, over thoſe ſeveral perſons that are in it; for excepting the ſlave (and the family is as much a family, and his power as *paterfamilias* as great, whether there be any ſlaves in his family or no) he has no legiſlative power of life and death over any of them, and none too but what a *miſtreſs of a family* may have as well as he. And he certainly can have no abſolute power over the whole *family*, who has but a very limited one over every individual in it. But how a *family*, or any other ſociety of men, differ from that which is properly

perly *political ſociety*, we ſhall beſt ſee, by conſidering wherein *political ſociety* itſelf conſiſts.

§. 87. Man being born, as has been proved, with a title to perfect freedom, and an uncontrouled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power, not only to preſerve his property, that is, his life, liberty and eſtate, againſt the injuries and attempts of other men; but to judge of, and puniſh the breaches of that law in others, as he is perſuaded the offence deſerves, even with death itſelf, in crimes where the heinouſneſs of the fact, in his opinion, requires it. But becauſe no *political ſociety* can be, nor ſubſiſt, without having in itſelf the power to preſerve the property, and in order thereunto, puniſh the offences of all thoſe of that ſociety; there, and there only is *political ſociety*, where every one of the members hath quitted this natural power, reſigned it up into the hands of the community in all caſes that exclude him not from appealing for protection to the law eſtabliſhed by it. And thus all private judgment of every particular member being excluded, the community comes to be umpire, by ſettled ſtanding rules, indifferent, and the ſame to all parties; and by men having authority from the community,

nity, for the execution of thoſe rules, decides all the differences that may happen between any members of that ſociety concerning any matter of right; and puniſhes thoſe offences which any member hath committed againſt the ſociety, with ſuch penalties as the law has eſtabliſhed: whereby it is eaſy to diſcern, who are, and who are not, in *political ſociety* together. Thoſe who are united into one body, and have a common eſtabliſhed law and judicature to appeal to, with authority to decide controverſies between them, and puniſh offenders, are in *civil ſociety* one with another: but thoſe who have no ſuch common people, I mean on earth, are ſtill in the ſtate of nature, each being, where there is no other, judge for himſelf, and executioner; which is, as I have before ſhewed it, the perfect *ſtate of nature*.

§. 88. And thus the common-wealth comes by a power to ſet down what puniſhment ſhall belong to the ſeveral tranſgreſſions which they think worthy of it, committed amongſt the members of that ſociety, (which is the *power of making laws*) as well as it has the power to puniſh any injury done unto any of its members, by any one that is not of it, (which is the *power of war and peace*;) and all this for the preſervation of the property of all the members of that ſociety, as far as is poſſible. But though every man who has entered

entered into civil ſociety, and is become a member of any common-wealth, has thereby quitted his power to puniſh offences, againſt the law of *nature*, in proſecution of his own private judgment, yet with the judgment of offences, which he has given up to the legiſlative in all caſes, where he can appeal to the magiſtrate, he has given a right to the common-wealth to employ his force, for the execution of the judgments of the common-wealth, whenever he ſhall be called to it; which indeed are his own judgments, they being made by himſelf, or his repreſentative. And herein we have the original of the *legiſlative* and *executive power* of civil ſociety, which is to judge by ſtanding laws, how far offences are to be puniſhed, when committed within the common-wealth; and alſo to determine, by occaſional judgments founded on the preſent circumſtances of the fact, how far injuries from without are to be vindicated; and in both theſe to employ all the force of all the members, when there ſhall be need.

§. 89. Where-ever therefore any number of men are ſo united into one ſociety, as to quit every one his executive power of the law of nature, and to reſign it to the public, there and there only is a *political, or civil ſociety*. And this is done, where-ever any number of men, in the ſtate of nature, enter into ſociety to make one people, one body politic,

politic, under one ſupreme government; or elſe when any one joins himſelf to, and incorporates with any government already made: for hereby he authorizes the ſociety, or which is all one, the legiſlative thereof, to make laws for him, as the public good of the ſociety ſhall require; to the execution whereof, his own aſſiſtance (as to his own decrees) is due. And this *puts men* out of a ſtate of nature *into* that of a *common-wealth*, by ſetting up a judge on earth, with authority to determine all the controverſies, and redreſs the injuries that may happen to any member of the common-wealth; which judge is the legiſlative, or magiſtrates appointed by it. And where-ever there are any number of men, however aſſociated, that have no ſuch deciſive power to appeal to, there they are ſtill in *the ſtate of nature*.

§. 90. Hence it is evident, that *abſolute monarchy*, which by ſome men is counted the only government in the world, is indeed *inconſiſtent with civil ſociety*, and ſo can be no form of civil-government at all: for the *end of civil ſociety*, being to avoid, and remedy thoſe inconveniencies of the ſtate of nature, which neceſſarily follow from every man's being judge in his own caſe, by ſetting up a known authority, to which every one of that ſociety may appeal upon any injury received, or controverſy that may ariſe, and

which

which every one of the * ſociety ought to obey; where-ever any perſons are, who have not ſuch an authority to appeal to, for the deciſion of any difference between them, there thoſe perſons are ſtill *in the ſtate of nature*; and ſo is every *abſolute prince*, in reſpect of thoſe who are under his *dominion*.

§. 91. For he being ſuppoſed to have all, both legiſlative and executive power in himſelf alone, there is no judge to be found, no appeal lies open to any one, who may fairly, and indifferently, and with authority decide, and from whoſe deciſion relief and redreſs may be expected of any injury or inconviency, that may be ſuffered from the prince, or by his order: ſo that ſuch a man, however intitled, *Czar*, or *Grand Seignior*, or how you pleaſe, is as much *in the ſtate of nature*, with all under his dominion, as he is with the reſt of mankind: for where-ever any two men are, who have no ſtanding rule, and common judge to appeal to on earth, for the determination of controverſies of right betwixt them, there they are ſtill *in the ſtate*

* The public power of all ſociety is above every ſoul contained in the ſame ſociety; and the principal uſe of that power is, to give laws unto all that are under it, which laws in ſuch caſes we muſt obey, unleſs there be reaſon ſhewed which may neceſſarily inforce, that the law of reaſon, or of God, doth enjoin the contrary, *Hook. Eccl. Pol. l.* i. *ſect.* 16.

of * *nature*, and under all the inconveniencies of it, with only this woful difference to the ſubject, or rather ſlave of an abſolute prince: that whereas, in the ordinary ſtate of nature, he has a liberty to judge of his right, and according to the beſt of his power, to maintain it; now, whenever his property is invaded by the will and order of his monarch, he has not only no appeal, as thoſe in ſociety ought to have, but as if he were degraded from the common ſtate of rational creatures, is denied a liberty to judge of, or to defend his right; and ſo is expoſed to all the miſery and inconveniencies, that a man can fear from one,

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* To take away all ſuch mutual grievances, injuries and wrongs, *i. e.* ſuch as attend men in the ſtate of nature, there was no way but only by growing into compoſition and agreement amongſt themſelves, by ordaining ſome kind of government public, and by yielding themſelves ſubject thereunto, that unto whom they granted authority to rule and govern, by them the peace, tranquillity and happy eſtate of the reſt might be procured. Men always knew that where force and injury was offered, they might be defenders of themſelves; they knew that however men may ſeek their own commodity, yet if this were done with injury unto others, it was not to be ſuffered, but by all men, and all good means to be withſtood. Finally, they knew that no man might in reaſon take upon him to determine his own right, and according to his own determination proceed in maintenance thereof, in as much as every man is towards himſelf, and them whom he greatly affects, partial; and therefore that ſtrifes and troubles would be endleſs, except they gave their common conſent, all to be ordered by ſome, whom they ſhould agree upon, without which conſent there would be no reaſon that one man ſhould take upon him to be lord or judge over another, *Hooker*'s *Eccl. Pol. l.* i. *ſect.* 10.

one, who being in the unreſtrained ſtate of nature, is yet corrupted with flattery, and armed with power.

§. 92. For he that thinks *abſolute power purifies men's blood*, and corrects the baſeneſs of human nature, need read but the hiſtory of this, or any other age, to be convinced of the contrary. He that would have been inſolent and injurious in the woods of *America*, would not probably be much better in a throne; where perhaps learning and religion ſhall be found out to juſtify all that he ſhall do to his ſubjects, and the ſword preſently ſilence all thoſe that dare queſtion it: for what the *protection of abſolute monarchy* is, what kind of fathers of their countries it makes princes to be, and to what a degree of happineſs and ſecurity it carries civil ſociety, where this ſort of government is grown to perfection, he that will look into the late relation of *Ceylon*, may eaſily ſee.

§. 93. In *abſolute monarchies* indeed, as well as other governments of the world, the ſubjects have an appeal to the law, and judges to decide any controverſies, and reſtrain any violence that may happen betwixt the ſubjects themſelves, one amongſt another. This every one thinks neceſſary, and believes he deſerves to be thought a declared enemy to ſociety and mankind, who ſhould go about to take it away. But whether this be from a true love of mankind and ſociety, and ſuch a charity as

we owe all one to another, there is reaſon to doubt: for this is no more than what every man, who loves his own power, profit, or greatneſs, may and naturally muſt do, keep thoſe animals from hurting, or deſtroying one another, who labour and drudge only for his pleaſure and advantage; and ſo are taken care of, not out of any love the maſter has for them, but love of himſelf, and the profit they bring him: for if it be aſked, what ſecurity, *what fence* is there, in ſuch a ſtate, *againſt the violence and oppreſſion of this abſolute ruler?* the very queſtion can ſcarce be borne. They are ready to tell you, that it deſerves death only to aſk after ſafety. Betwixt ſubject and ſubject, they will grant, there muſt be meaſures, laws and judges, for their mutual peace and ſecurity: but as for the *ruler*, he ought to be *abſolute*, and is above all ſuch circumſtances; becauſe he has power to do more hurt and wrong, it is right when he does it. To aſk how you may be guarded from harm, or injury, on that ſide where the ſtrongeſt hand is to do it, is preſently the voice of faction and rebellion: as if when men quitting the ſtate of nature entered into ſociety, they agreed that all of them but one, ſhould be under the reſtraint of laws, but that he ſhould ſtill retain all the liberty of the ſtate of nature, increaſed with power, and made licentious by impunity. This is to think, that men are ſo fooliſh, that they take care to avoid what miſ-

chiefs may be done them by *pole-cats*, or *foxes*; but are content, nay, think it ſafety, to be devoured by *lions*.

§. 94. But whatever flatterers may talk to amuſe people's underſtandings, it hinders not men from feeling; and when they perceive, that any man, in what ſtation ſoever, is out of the bounds of the civil ſociety which they are of, and that they have no appeal on earth againſt any harm, they may receive from him, they are apt to think themſelves in the ſtate of nature, in reſpect of him whom they find to be ſo; and to take care, as ſoon as they can, to have that *ſafety and ſecurity in civil ſociety*, for which it was firſt inſtituted, and for which only they entered into it. And therefore, though perhaps at firſt, (as ſhall be ſhewed more at large hereafter in the following part of this diſcourſe) ſome one good and excellent man having got a pre-eminency amongſt the reſt, had this deference paid to his goodneſs and virtue, as to a kind of natural authority, that the chief rule, with arbitration of their differences, by a tacit conſent devolved into his hands, without any other caution, but the aſſurance they had of his uprightneſs and wiſdom; yet when time, giving authority, and (as ſome men would perſuade us) ſacredneſs of cuſtoms, which the negligent, and unforeſeeing innocence of the firſt ages began, had brought in ſucceſſors of another ſtamp, the people finding their properties not ſecure under

the government, as then it was, (whereas government has no other end but the preſervation of * property) could never be ſafe nor at reſt, *nor think themſelves in civil ſociety*, till the legiſlature was placed in collective bodies of men, call them ſenate, parliament, or what you pleaſe. By which means every ſingle perſon became ſubject, equally with other the meaneſt men, to thoſe laws, which he himſelf, as part of the legiſlative, had eſtabliſhed; nor could any one, by his own authority, avoid the force of the law, when once made; nor by any pretence of ſuperiority plead exemption, thereby to licenſe his own, or the miſcarriages of any of his dependents. † *No man in civil ſociety can be exempted from the laws of it*: for if any man may do what he thinks fit, and there be no appeal on earth, for redreſs or ſecurity againſt any harm he ſhall do; I aſk, whether he be not perfectly ſtill in the ſtate

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* At the firſt, when ſome certain kind of regiment was once appointed, it may be that nothing was then farther thought upon for the manner of governing, but all permitted unto their wiſdom and diſcretion, which were to rule, till by experience they found this for all parts very inconvenient, ſo as the thing which they had deviſed for a remedy, did indeed but increaſe the ſore, which it ſhould have cured. They ſaw, that *to live by one man's will, became the cauſe of all men's miſery.* This conſtrained them to come unto laws, wherein all men might ſee their duty beforehand, and know the penalties of tranſgreſſing them. *Hooker's Eccl. Pol. l.* i. *ſect.* 10.

† Civil law being the act of the whole body politic, doth therefore over-rule each ſeveral part of the ſame body. *Hooker, ibid.*

ſtate of nature, and ſo can be *no part or member of that civil ſociety*; unleſs any one will ſay, the ſtate of nature and civil ſociety are one and the ſame thing, which I have never yet found any one ſo great a patron of anarchy as to affirm.

CHAP. VIII.

Of the Beginning of Political Societies.

§. 95. MEN being, as has been ſaid, by nature, all free, equal, and independent, no one can be put out of this eſtate, and ſubjected to the political power of another, without his own conſent. The only way whereby any one diveſts himſelf of his natural liberty, and puts on the *bonds of civil ſociety*, is by agreeing with other men to join and unite into a community, for their comfortable, ſafe, and peaceable living one amongſt another, in a ſecure enjoyment of their properties, and a greater ſecurity againſt any, that are not of it. This any number of men may do, becauſe it injures not the freedom of the reſt; they are left as they were in the liberty of the ſtate of nature. When any number of men have ſo *conſented to make one community or government*, they are thereby preſently incorporated, and make *one body politic*, wherein the *majority* have a right to act and conclude the reſt.

§. 96. For when any number of men have, by the consent of every individual, made a *community*, they have thereby made that *community* one body, with a power to act as one body, which is only by the will and determination of the *majority*: for that which acts any community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the body should move that way whither the greater force carries it, which is the *consent of the majority*: or else it is impossible it should act or continue one body, *one community*, which the consent of every individual that united into it, agreed that it should; and so every one is bound by that consent to be concluded by the *majority*. And therefore we see, that in assemblies, impowered to act by positive laws, where no number is set by that positive law which impowers them, the *act of the majority* passes for the act of the whole, and of course determines, as having, by the law of nature and reason, the power of the whole.

§. 97. And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation, to every one of that society, to submit to the determination of the *majority*, and to be concluded by it; or else this *original compact*, whereby he with others incorporates into *one society*, would signify nothing, and be

be no compact, if he be left free, and under no other ties than he was in before in the ſtate of nature. For what appearance would there be of any compact? what new engagement if he were no farther tied by any decrees of the ſociety, than he himſelf thought fit, and did actually conſent to? This would be ſtill as great a liberty, as he himſelf had before his compact, or any one elſe in the ſtate of nature hath, who may ſubmit himſelf, and conſent to any acts of it if he thinks fit.

§. 98. For if *the conſent of the majority* ſhall not, in reaſon, be received as *the act of the whole*, and conclude every individual; nothing but the conſent of every individual can make any thing to be the act of the whole: but ſuch a conſent is next to impoſſible ever to be had, if we conſider the infirmities of health, and avocations of buſineſs, which in a number, though much leſs than that of a common-wealth, will neceſſarily keep many away from the public aſſembly. To which if we add the variety of opinions, and contrariety of intereſts, which unavoidably happen in all collections of men, the coming into ſociety upon ſuch terms would be only like *Cato*'s coming into the theatre, only to go out again. Such a conſtitution as this would make the mighty *Leviathan* of a ſhorter duration, than the feebleſt creatures, and not let it outlaſt the day it was born in: which cannot be ſuppoſed, till we can think, that rational creatures

tures ſhould deſire and conſtitute ſocieties only to be diſſolved: for where the *majority* cannot conclude the reſt, there they cannot act as one body, and conſequently will be immediately diſſolved again.

§. 99. Whoſoever therefore out of a ſtate of nature unite into a *community*, muſt be underſtood to give up all the power, neceſſary to the ends for which they unite into ſociety, to the *majority* of the community, unleſs they expreſly agreed in any number greater than the majority. And this is done by barely agreeing to *unite into one political ſociety*, which is *all the compact* that is, or needs be, between the individuals, that enter into, or make up a *common-wealth*. And thus that, which begins and actually *conſtitutes any political ſociety*, is nothing but the conſent of any number of freemen capable of a majority to unite and incorporate into ſuch a ſociety. And this is that, and that only, which did, or could give beginning to any *lawful government* in the world.

§. 100. To this I find two objections made.

Firſt, *That there are no inſtances to be found in ſtory, of a company of men independent, and equal one amongſt another, that met together, and in this way began and ſet up a government.*

Secondly, *It is impoſſible of right, that men ſhould do ſo, becauſe all men being born under government, they are to ſubmit to that, and are not at liberty to begin a new one.*

§. 101.

§. 101. To the first there is this to answer, That it is not at all to be wondered, that *history* gives us but a very little account of *men, that lived together in the state of nature.* The inconveniences of that condition, and the love and want of society, no sooner brought any number of them together, but they presently united and incorporated, if they designed to continue together. And if we may not suppose *men* ever to have been *in the state of nature,* because we hear not much of them in such a state, we may as well suppose the armies of *Salmanasser* or *Xerxes* were never children, because we hear little of them, till they were men, and imbodied in armies. Government is every where antecedent to records, and letters seldom come in amongst a people till a long continuation of civil society has, by other more necessary arts, provided for their safety, ease, and plenty: and then they begin to look after the history of their founders, and search into their *original,* when they have outlived the memory of it: for it is with *common-wealths* as with particular persons, they are commonly *ignorant of their own births and infancies*: and if they know any thing of their *original,* they are beholden for it, to the accidental records that others have kept of it. And those that we have, of the beginning of any polities in the world, excepting that of the *Jews,* where God himself immediately interposed, and which favours

vours not at all paternal dominion, are all either plain inſtances of ſuch a beginning as I have mentioned, or at leaſt have manifeſt footſteps of it.

§. 102. He muſt ſhew a ſtrange inclination to deny evident matter of fact, when it agrees not with his hypotheſis, who will not allow, that the *beginning* of *Rome* and *Venice* were by the uniting together of ſeveral men free and independent one of another, amongſt whom there was no natural ſuperiority or ſubjection. And if *Joſephus Acoſta*'s word may be taken, he tells us, that in many parts of *America* there was no government at all. *There are great and apparent conjectures*, ſays he, *that theſe men*, ſpeaking of thoſe of Peru, *for a long time had neither kings nor commonwealths, but lived in troops, as they do this day in* Florida, *the* Cheriquanas, *thoſe of* Braſil, *and many other nations, which have no certain kings, but as occaſion is offered, in peace or war, they chooſe their captains as they pleaſe*, l. i. c. 25. If it be ſaid, that every man there was born ſubject to his father, or the head of his family; that the ſubjection due from a child to a father took not away his freedom of uniting into what political ſociety he thought fit, has been already proved. But be that as it will, theſe men, it is evident, were actually *free*; and whatever ſuperiority ſome politicians now would place in any of them, they themſelves claimed it not, but by

conſent

conſent were all *equal*, till by the ſame conſent they ſet rulers over themſelves. So that their *politic ſocieties* all *began* from a voluntary union, and the mutual agreement of men freely acting in the choice of their governors, and forms of government.

§. 103. And I hope thoſe who went away from *Sparta* with *Palantus*, mentioned by *Juſtin*, l. iii. c. 4. will be allowed to have been *freemen independent* one of another, and to have ſet up a government over themſelves, by their own conſent. Thus I have given ſeveral examples, out of hiſtory, of *people free and in the ſtate of nature*, that being met together incorporated and *began a common-wealth*. And if the want of ſuch inſtances be an argument to prove that *government* were not, nor could not be ſo *begun*, I ſuppoſe the contenders for paternal empire were better let it alone, than urge it againſt natural liberty: for if they can give ſo many inſtances, out of hiſtory, of *governments begun* upon paternal right, I think (though at beſt an argument from what has been, to what ſhould of right be, has no great force) one might, without any great danger, yield them the cauſe. But if I might adviſe them in the caſe, they would do well not to ſearch too much into the *original of governments*, as they have begun *de facto*, leſt they ſhould find, at the foundation of moſt of them, ſomething very

very little favourable to the design they promote, and such a power as they contend for.

§. 104. But to conclude, reason being plain on our side, that men are naturally free, and the examples of history shewing, that the *governments* of the world, that were begun in peace, had their beginning laid on that foundation, and were *made by the consent of the people*; there can be little room for doubt, either where the right is, or what has been the opinion, or practice of mankind, about the *first erecting of governments*.

§. 105. I will not deny, that if we look back as far as history will direct us, towards the *original of common-wealths*, we shall generally find them under the government and administration of one man. And I am also apt to believe, that where a family was numerous enough to subsist by itself, and continued entire together, without mixing with others, as it often happens, where there is much land, and few people, the government commonly began in the father: for the father having, by the law of nature, the same power with every man else to punish, as he thought fit, any offences against that law, might thereby punish his transgressing children, even when they were men, and out of their pupilage; and they were very likely to submit to his punishment, and all join with him against the offender, in their turns, giving him thereby power to execute his

his ſentence againſt any tranſgreſſion, and ſo in effect make him the law-maker, and governor over all that remained in conjunction with his family. He was fitteſt to be truſted; paternal affection ſecured their property and intereſt under his care; and the cuſtom of obeying him, in their childhood, made it eaſier to ſubmit to him, rather than to any other. If therefore they muſt have one to rule them, as government is hardly to be avoided amongſt men that live together; who ſo likely to be the man as he that was their common father; unleſs negligence, cruelty, or any other defect of mind or body made him unfit for it? But when either the father died, and left his next heir, for want of age, wiſdom, courage, or any other qualities, leſs fit for rule; or where ſeveral families met, and conſented to continue together; there, it is not to be doubted, but they uſed their natural freedom, to ſet up him, whom they judged the ableſt, and moſt likely, to rule well over them. Conformable hereunto we find the people of *America*, who (living out of the reach of the conquering ſwords, and ſpreading domination of the two great empires of *Peru* and *Mexico*) enjoyed their own natural freedom, though, *cæteris paribus*, they commonly prefer the heir of their deceaſed king; yet if they find him any way weak, or uncapable, they paſs him by,

by, and ſet up the ſtouteſt and braveſt man for their ruler.

§. 106. Thus, though looking back as far as records give us any account of peopling the world, and the hiſtory of nations, we commonly find the *government* to be in one hand; yet it deſtroys not that which I affirm, *viz.* that the *beginning of politic ſociety* depends upon the conſent of the individuals, to join into, and make one ſociety; who, when they are thus incorporated, might ſet up what form of government they thought fit. But this having given occaſion to men to miſtake, and think, that by nature government was monarchical, and belonged to the father, it may not be amiſs here to conſider, why people in the beginning generally pitched upon this form, which though perhaps the father's pre-eminency might, in the firſt inſtitution of ſome common-wealths, give a riſe to, and place in the beginning, the power in one hand; yet it is plain that the reaſon, that continued the form of *government in a ſingle perſon*, was not any regard, or reſpect to paternal authority; ſince all petty *monarchies*, that is, almoſt all monarchies, near their original, have been commonly, at leaſt upon occaſion, *elective*.

§. 107. Firſt then, in the beginning of things, the father's government of the childhood of thoſe ſprung from him, having accuſtomed them to the *rule of one man*, and taught

taught them that where it was exerciſed with care and ſkill, with affection and love to thoſe under it, it was ſufficient to procure and preſerve to men all the political happineſs they ſought for in ſociety. It was no wonder that they ſhould pitch upon, and naturally run into that form of government, which from their infancy they had been all accuſtomed to; and which, by experience, they had found both eaſy and ſafe. To which, if we add, that *monarchy* being ſimple, and moſt obvious to men, whom neither experience had inſtructed in forms of government, nor the ambition or inſolence of empire had taught to beware of the encroachments of prerogative, or the inconveniencies of abſolute power, which monarchy in ſucceſſion was apt to lay claim to, and bring upon them; it was not at all ſtrange, that they ſhould not much trouble themſelves to think of methods of reſtraining any exorbitances of thoſe to whom they had given the authority over them, and of balancing the power of government, by placing ſeveral parts of it in different hands. They had neither felt the oppreſſion of tyrannical dominion, nor did the faſhion of the age, nor their poſſeſſions, or way of living, (which afforded little matter for covetouſneſs or ambition) give them any reaſon to apprehend or provide againſt it; and therefore it is no wonder they put themſelves into ſuch a *frame of government*, as was

not only, as I ſaid, moſt obvious and ſimple, but alſo beſt ſuited to their preſent ſtate and condition; which ſtood more in need of defence againſt foreign invaſions and injuries, than of multiplicity of laws. The equality of a ſimple poor way of living, confining their deſires within the narrow bounds of each man's ſmall property, made few controverſies, and ſo no need of many laws to decide them, or variety of officers to ſuperintend the proceſs, or look after the execution of juſtice, where there were but few treſpaſſes, and few offenders. Since then thoſe, who liked one another ſo well as to join into ſociety, cannot but be ſuppoſed to have ſome acquaintance and friendſhip together, and ſome truſt one in another; they could not but have greater apprehenſions of others, than of one another: and therefore their firſt care and thought cannot but be ſuppoſed to be, how to ſecure themſelves againſt foreign force. It was natural for them to put themſelves under a *frame of government* which might beſt ſerve to that end, and chuſe the wiſeſt and braveſt man to conduct them in their wars, and lead them out againſt their enemies, and in this chiefly be their *ruler*.

§. 108. Thus we ſee, that the *kings* of the *Indians* in *America*, which is ſtill a pattern of the firſt ages in *Aſia* and *Europe*, whilſt the inhabitants were too few for the country, and want of people and money gave men no temptation

temptation to enlarge their poſſeſſions of land, or conteſt for wider extent of ground, are little more than *generals of their armies*; and though they command abſolutely in war, yet at home and in time of peace they exerciſe very little dominion, and have but a very moderate ſovereignty, the reſolutions of peace and war being ordinarily either in the people, or in a council. Tho' the war itſelf, which admits not of plurality of governors, naturally devolves the command into the *king's ſole authority*.

§. 109. And thus in *Iſrael* itſelf, the *chief buſineſs of their judges, and firſt kings*, ſeems to have been *to be captains in war*, and leaders of their armies; which (beſides what is ſignified by *going out and in before the people*, which was, to march forth to war, and home again in the heads of their forces) appears plainly in the ſtory of *Jephtha*. The *Ammonites* making war upon *Iſrael*, the *Gileadites* in fear ſend to *Jephtha*, a baſtard of their family whom they had caſt off, and article with him, if he will aſſiſt them againſt the *Ammonites*, to make him their ruler; which they do in theſe words, *And the people made him head and captain over them*, Judg. xi. 11. which was, as it ſeems, all one as to be *judge*. *And he judged Iſrael*, Judg. xii. 7. that is, was their *captain-general ſix years*. So when *Jotham* upbraids the *Shechemites* with the obligation they had to *Gideon*, who had been

their *judge* and ruler, he tells them, *He fought for you, and adventured his life far, and delivered you out of the hands of Midian*, Judg. ix. 17. Nothing mentioned of him, but what he did as a *general:* and indeed that is all is found in his hiſtory, or in any of the reſt of the judges. And *Abimelech* particularly is called *king*, though at moſt he was but their *general.* And when, being weary of the ill conduct of *Samuel*'s ſons, the children of *Iſrael* deſired a *king, like all the nations to judge them, and to go out before them, and to fight their battles*, 1 Sam. viii. 20. God granting their deſire, ſays to *Samuel, I will ſend thee a man, and thou ſhalt anoint him to be captain over my people Iſrael, that he may ſave my people out of the hands of the Philiſtines*, ix. 16. As if the only *buſineſs of a king* had been to lead out their armies, and fight in their defence; and accordingly at his inauguration pouring a vial of oil upon him, declares to *Saul*, that *the Lord had anointed him to be captain over his inheritance*, x. 1. And therefore thoſe, who after *Saul*'s being ſolemnly choſen and ſaluted *king* by the *tribes* at *Miſpah*, were unwilling to have him their king, made no other objection but this, *How ſhall this man ſave us?* v. 27. as if they ſhould have ſaid, this man is unfit to be our *king*, not having ſkill and conduct enough in war, to be able to defend us. And when God reſolved to transfer

transfer the government to *David*, it is in theſe words, *But now thy kingdom ſhall not continue: the Lord hath ſought him a man after his own heart, and the Lord hath commanded him to be captain over his people*, xiii. 14. As if the whole *kingly authority* were nothing elſe but to be their *general:* and therefore the *tribes* who had ſtuck to *Saul*'s family, and oppoſed *David*'s reign, when they came to *Hebron* with terms of ſubmiſſion to him, they tell him, amongſt other arguments they had to ſubmit to him as to their king, that he was in effect their *king* in *Saul*'s time, and therefore they had no reaſon but to receive him as their *king* now. *Alſo* (ſay they) *in time paſt, when Saul was king over us, thou waſt he that leddeſt out and broughteſt in Iſrael, and the Lord ſaid unto thee, Thou ſhalt feed my people Iſrael, and thou ſhalt be a captain over Iſrael.*

§. 110. Thus, whether *a family* by degrees *grew up into a common-wealth*, and the fatherly authority being continued on to the elder ſon, every one in his turn growing up under it, tacitly ſubmitted to it, and the eaſineſs and equality of it not offending any one, every one acquieſced, till time ſeemed to have confirmed it, and ſettled a right of ſucceſſion by preſcription: or whether ſeveral families, or the deſcendants of ſeveral families, whom chance, neighbourhood, or buſineſs brought together, uniting into ſociety, the need of a

general, whoſe conduct might defend them againſt their enemies in war, and the great confidence the innocence and ſincerity of that poor but virtuous age, (ſuch as are almoſt all thoſe which begin governments, that ever come to laſt in the world) gave men one of another, made the firſt beginners of common-wealths generally put the rule into one man's hand, without any other expreſs limitation or reſtraint, but what the nature of the thing, and the end of government required: which ever of thoſe it was that at firſt put the rule into the hands of a ſingle perſon, certain it is no body was intruſted with it but for the public good and ſafety, and to thoſe ends, in the infancies of common-wealths, thoſe who had it commonly uſed it. And unleſs they had done ſo, young ſocieties could not have ſubſiſted; without ſuch nurſing fathers tender and careful of the public weal, all governments would have ſunk under the weakneſs and infirmities of their infancy, and the prince and the people had ſoon periſhed together.

§. 111. But though the *golden age* (before vain ambition, and *amor ſceleratus habendi*, evil concupiſcence, had corrupted men's minds into a miſtake of true power and honour) had more virtue, and conſequently better governors, as well as leſs vicious ſubjects; and there was then *no ſtretching prerogative* on the one ſide, to oppreſs the people; *nor* conſequently on the other, any *diſpute about privilege*,

privilege, to leſſen or reſtrain the power of the magiſtrate, and ſo no conteſt betwixt rulers and people about governors or government: yet, when ambition and luxury in future ages * would retain and increaſe the power, without doing the buſineſs for which it was given; and aided by flattery, taught princes to have diſtinct and ſeparate intereſts from their people, men found it neceſſary to examine more carefully *the original* and rights *of government*; and to find out ways to *reſtrain the exorbitances*, and *prevent the abuſes* of that power, which they having intruſted in another's hands only for their own good, they found was made uſe of to hurt them.

§. 112. Thus we may ſee how probable it is, that people that were naturally free, and by their own conſent either ſubmitted to the government of their father, or united together out of different families to make a government, ſhould generally put the *rule into one man's hands*, and chuſe to be under the conduct

* At firſt, when ſome certain kind of regiment was once approved, it may be nothing was then farther thought upon for the manner of governing, but all permitted unto their wiſdom and diſcretion which were to rule, till by experience they found this for all parts very inconvenient, ſo as the thing which they had deviſed for a remedy, did indeed but increaſe the ſore which it ſhould have cured. They ſaw, that to live by one man's will, became the cauſe of all men's miſery. This conſtrained them to come unto laws wherein all men might ſee their duty before hand, and know the penalties of tranſgreſſing them. *Hooker's Eccl. Pol. l.* i. *ſect.* 10.

duct of a *ſingle perſon*, without ſo much as by expreſs conditions limiting or regulating his power, which they thought ſafe enough in his honeſty and prudence; though they never dreamed of monarchy being *Jure Divino*, which we never heard of among mankind, till it was revealed to us by the divinity of this laſt age; nor ever allowed paternal power to have a right to dominion, or to be the foundation of all government. And thus much may ſuffice to ſhew, that as far as we have any light from hiſtory, we have reaſon to conclude, that all peaceful beginnings of *government* have been *laid in the conſent of the people*. I ſay *peaceful*, becauſe I ſhall have occaſion in another place to ſpeak of conqueſt, which ſome eſteem a way of beginning of governments.

The other objection I find urged againſt the beginning of polities, in the way I have mentioned, is this, viz.

§. 113. *That all men being born under government, ſome or other, it is impoſſible any of them ſhould ever be free, and at liberty to unite together, and begin a new one, or ever be able to erect a lawful government.*

If this argument be good; I aſk, how came ſo many lawful monarchies into the world? for if any body, upon this ſuppoſition, can ſhew me any one man in any age of the world *free* to begin a lawful monarchy, I will be bound to ſhew him ten other *free*

men

men at liberty, at the ſame time to unite and begin a new government under a regal, or any other form; it being demonſtration, that if any one, *born under the dominion* of another, may be ſo *free* as to have a right to command others in a new and diſtinct empire, every one that is *born under the dominion* of another may be ſo free too, and may become a ruler, or ſubject, of a diſtinct ſeparate government. And ſo by this their own principle, either all men, however *born*, are *free*, or elſe there is but one lawful prince, one lawful government in the world. And then they have nothing to do, but barely to ſhew us which that is; which when they have done, I doubt not but all mankind will eaſily agree to pay obedience to him.

§. 114. Though it be a ſufficient anſwer to their objection, to ſhew that it involves them in the ſame difficulties that it doth thoſe they uſe it againſt; yet I ſhall endeavour to diſcover the weakneſs of this argument a little farther.

All men, ſay they, *are born under government, and therefore they cannot be at liberty to begin a new one. Every one is born a ſubject to his father, or his prince, and is therefore under the perpetual tie of ſubjection and allegiance.* It is plain mankind never owned nor conſidered any ſuch natural *ſubjection that they were born in*, to one or to the other that tied them,

them, without their own conſents, to a ſubjection to them and their heirs.

§. 115. For there are no examples ſo frequent in hiſtory, both ſacred and profane, as thoſe of men withdrawing themſelves, and their obedience, from the juriſdiction they were born under, and the family or community they were bred up in, and *ſetting up new governments* in other places; from whence ſprang all that number of petty common-wealths in the beginning of ages, and which always multiplied, as long as there was room enough, till the ſtronger, or more fortunate, ſwallowed the weaker; and thoſe great ones again breaking to pieces, diſſolved into leſſer dominions. All which are ſo many teſtimonies againſt paternal ſovereignty, and plainly prove, that it was not the natural right of the *father* deſcending to his heirs, that made governments in the beginning, ſince it was impoſſible, upon that ground, there ſhould have been ſo many little kingdoms; all muſt have been but only one univerſal monarchy, if men had not been at *liberty to ſeparate* themſelves from their families, and the government, be it what it will, that was ſet up in it, and go and make diſtinct common-wealths and other governments, as they thought fit.

§. 116. This has been the practice of the world from its firſt beginning to this day; nor is it now any more hindrance to the freedom

freedom of mankind, that they are *born under conſtituted and ancient polities*, that have eſtabliſhed laws, and ſet forms of government, than if they were born in the woods, amongſt the unconfined inhabitants, that run looſe in them: for thoſe, who would perſuade us, that *by being born under any government, we are naturally ſubjects to it*, and have no more any title or pretence to the freedom of the ſtate of nature, have no other reaſon (bating that of paternal power, which we have already anſwered) to produce for it, but only, becauſe our fathers or progenitors paſſed away their natural liberty, and thereby bound up themſelves and their poſterity to a perpetual ſubjection to the government, which they themſelves ſubmitted to. It is true, that whatever engagements or promiſes any one has made for himſelf, he is under the obligation of them, but *cannot*, by any *compact* whatſoever, *bind his children or poſterity*: for his ſon, when a man, being altogether as free as the father, any *act of the father can no more give away the liberty of the ſon*, than it can of any body elſe: he may indeed annex ſuch conditions to the land, he enjoyed as a ſubject of any common-wealth, as may oblige his ſon to be of that community, if he will enjoy thoſe poſſeſſions which were his father's; becauſe that eſtate being his father's property, he may diſpoſe, or ſettle it, as he pleaſes.

§. 117.

§. 117. And this has generally given the occaſion to miſtake in this matter; becauſe common-wealths not permitting any part of their dominions to be diſmembered, nor to be enjoyed by any but thoſe of their community, the ſon cannot ordinarily enjoy the poſſeſſions of his father, but under the ſame terms his father did, by becoming a member of the ſociety; whereby he puts himſelf preſently under the government he finds there eſtabliſhed, as much as any other ſubject of that common-wealth. And thus *the conſent of freemen, born under government*, which only *makes them members of it*, being given ſeparately in their turns, as each comes to be of age, and not in a multitude together; people take no notice of it, and thinking it not done at all, or not neceſſary, conclude they are naturally ſubjects as they are men.

§. 118. But, it is plain, *governments* themſelves underſtand it otherwiſe; they claim *no power over the ſon, becauſe of that they had over the father*; nor look on children as being their ſubjects, by their fathers being ſo. If a ſubject of *England* have a child, by an *Engliſh* woman in *France*, whoſe ſubject is he? Not the king of *England*'s; for he muſt have leave to be admitted to the privileges of it: nor the king of *France*'s; for how then has his father a liberty to bring him away, and breed him as he pleaſes? and who ever was judged as a *traytor* or *deſerter*, if he left, or warred

warred againſt a country, for being barely born in it of parents that were aliens there? It is plain then, by the practice of governments themſelves, as well as by the law of right reaſon, that *a child is born a ſubject of no country or government*. He is under his father's tuition and authority, till he comes to age of diſcretion; and then he is a free-man, at liberty what government he will put himſelf under, what body politic he will unite himſelf to: for if an *Engliſhman*'s ſon, born in *France*, be at liberty, and may do ſo, it is evident there is no tie upon him by his father's being a ſubject of this kingdom; nor is he bound up by any compact of his anceſtors. And why then hath not his ſon, by the ſame reaſon, the ſame liberty, though he be born any where elſe? Since the power that a father hath naturally over his children, is the ſame, where-ever they be born, and the ties of natural obligations, are not bounded by the poſitive limits of kingdoms and common-wealths.

§. 119. *Every man* being, as has been ſhewed, *naturally free*, and nothing being able to put him into ſubjection to any earthly power, but only his own *conſent*; it is to be conſidered, what ſhall be underſtood to be a *ſufficient declaration* of a man's *conſent, to make him ſubject* to the laws of any government. There is a common diſtinction of an expreſs and a tacit conſent, which will concern our

preſent

preſent caſe. No body doubts but an expreſs *conſent*, of any man entering into any ſociety, makes him a perfect member of that ſociety, a ſubject of that government. The difficulty is, what ought to be looked upon as a *tacit conſent*, and how far it binds, *i. e.* how far any one ſhall be looked on to have conſented, and thereby ſubmitted to any government, where he has made no expreſſions of it at all. And to this I ſay, that every man, that hath any poſſeſſions, or enjoyment, of any part of the dominions of any government, doth thereby give his *tacit conſent*, and is as far forth obliged to obedience to the laws of that government, during ſuch enjoyment, as any one under it; whether this his poſſeſſion be of land, to him and his heirs for ever, or a lodging only for a week; or whether it be barely travelling freely on the highway; and in effect, it reaches as far as the very being of any one within the territories of that government.

§. 120. To underſtand this the better, it is fit to conſider, that every man, when he at firſt incorporates himſelf into any commonwealth, he, by his uniting himſelf thereunto, annexed alſo, and ſubmits to the community, thoſe poſſeſſions, which he has, or ſhall acquire, that do not already belong to any other government: for it would be a direct contradiction, for any one to enter into ſociety with others for the ſecuring and regulating

gulating of property; and yet to ſuppoſe his land, whoſe property is to be regulated by the laws of the ſociety, ſhould be exempt from the juriſdiction of that government, to which he himſelf, the proprietor of the land, is a ſubject. By the ſame act therefore, whereby any one unites his perſon, which was before free, to any common-wealth; by the ſame he unites his poſſeſſions, which were before free, to it alſo; and they become, both of them, perſon and poſſeſſion, ſubject to the government and dominion of that common-wealth, as long as it hath a being. Whoever therefore, from thenceforth, by inheritance, purchaſe, permiſſion, or otherways, *enjoys any part of the land*, ſo annexed to, and under the government *of that common-wealth, muſt take it with the condition* it is under; that is, *of ſubmitting to the government of the common-wealth*, under whoſe juriſdiction it is, as far forth as any ſubject of it.

§. 121. But ſince the government has a direct juriſdiction only over the land, and reaches the poſſeſſor of it, (before he has actually incorporated himſelf in the ſociety) only as he dwells upon, and enjoys that; the obligation any one is under, by virtue of ſuch enjoyment, to *ſubmit to the government, begins and ends with the enjoyment*; ſo that whenever the owner, who has given nothing but ſuch a *tacit conſent* to the government, will, by

donation, ſale, or otherwiſe, quit the ſaid poſſeſſion, he is at liberty to go and incorporate himſelf into any other common-wealth; or to agree with others to begin a new one, *in vacuis locis*, in any part of the world, they can find free and unpoſſeſſed: whereas he, that has once, by actual agreement, and any *expreſs* declaration, given his *conſent* to be of any common-wealth, is perpetually and indiſpenſibly obliged to be, and remain unalterably a ſubject to it, and can never be again in the liberty of the ſtate of nature; unleſs, by any calamity, the government he was under comes to be diſſolved; or elſe by ſome public act cuts him off from being any longer a member of it.

§. 122. But ſubmitting to the laws of any country, living quietly, and enjoying privileges and protection under them, *makes not a man a member of that ſociety*: this is only a local protection and homage due to and from all thoſe, who, not being in a ſtate of war, come within the territories belonging to any government, to all parts whereof the force of its laws extends. But this no more *makes a man a member of that ſociety*, a perpetual ſubject of that common-wealth, than it would make a man a ſubject to another, in whoſe family he found it convenient to abide for ſome time; though, whilſt he continued in it, he were obliged to comply with the laws, and ſubmit to the government he found

found there. And thus we ſee, that *foreigners*, by living all their lives under another government, and enjoying the privileges and protection of it, though they are bound, even in conſcience, to ſubmit to its adminiſtration, as far forth as any deniſon; yet do not thereby come to be *ſubjects or members of that common-wealth*. Nothing can make any man ſo, but his actually entering into it by poſitive engagement, and expreſs promiſe and compact. This is that, which I think, concerning the beginning of political ſocieties, and that *conſent which makes any one a member* of any common-wealth.

CHAP. IX.

Of the Ends of Political Society and Government.

§. 123. IF man in the ſtate of nature be ſo free, as has been ſaid; if he be abſolute lord of his own perſon and poſſeſſions, equal to the greateſt, and ſubject to no body, why will he part with his freedom? why will he give up this empire, and ſubject himſelf to the dominion and controul of any other power? To which it is obvious to anſwer, that though in the ſtate of nature he hath ſuch a right, yet the enjoyment of it is very uncertain, and conſtantly expoſed to the invaſion of others: for all being kings as much

much as he, every man his equal, and the greater part no ſtrict obſervers of equity and juſtice, the enjoyment of the property he has in this ſtate is very unſafe, very unſecure. This makes him willing to quit a condition, which, however free, is full of fears and continual dangers: and it is not without reaſon, that he ſeeks out, and is willing to join in ſociety with others, who are already united, or have a mind to unite, for the mutual *preſervation* of their lives, liberties and eſtates, which I call by the general name, *property*.

§. 124. The great and *chief end*, therefore, of men's uniting into common-wealths, and putting themſelves under government, *is the preſervation of their property*. To which in the ſtate of nature there are many things wanting.

Firſt, There wants an *eſtabliſhed*, ſettled, known *law*, received and allowed by common conſent to be the ſtandard of right and wrong, and the common meaſure to decide all controverſies between them: for though the law of nature be plain and intelligible to all rational creatures; yet men being biaſſed by their intereſt, as well as ignorant for want of ſtudy of it, are not apt to allow of it as a law binding to them in the application of it to their particular caſes.

§. 125. *Secondly*, In the ſtate of nature there wants *a known and indifferent judge*, with authority to determine all differences according

cording to the eſtabliſhed law: for every one in that ſtate being both judge and executioner of the law of nature, men being partial to themſelves, paſſion and revenge is very apt to carry them too far, and with too much heat, in their own caſes; as well as negligence, and unconcernedneſs, to make them too remiſs in other men's.

§. 126. *Thirdly*, In the ſtate of nature there often wants *power* to back and ſupport the ſentence when right, and to *give* it due *execution*. They who by any injuſtice offended, will ſeldom fail, where they are able, by force to make good their injuſtice; ſuch reſiſtance many times makes the puniſhment dangerous, and frequently deſtructive, to thoſe who attempt it.

§. 127. Thus mankind, notwithſtanding all the privileges of the ſtate of nature, being but in an ill condition, while they remain in it, are quickly driven into ſociety. Hence it comes to paſs, that we ſeldom find any number of men live any time together in this ſtate. The inconveniencies that they are therein expoſed to, by the irregular and uncertain exerciſe of the power every man has of puniſhing the tranſgreſſions of others, make them take ſanctuary under the eſtabliſhed laws of government, and therein ſeek *the preſervation of their property*. It is this makes them ſo willingly give up every one his ſingle power of puniſhing, to be

exercised by such alone, as shall be appointed to it amongst them; and by such rules as the community, or those authorized by them to that purpose, shall agree on. And in this we have the original *right and rise of both the legislative and executive power*, as well as of the governments and societies themselves.

§. 128. For in the state of nature, to omit the liberty he has of innocent delights, a man has two powers.

The first is to do whatsoever he thinks fit for the preservation of himself, and others within the permission of the *law of nature*: by which law, common to them all, he and all the rest of *mankind are one community*, make up one society, distinct from all other creatures. And were it not for the corruption and vitiousness of degenerate men, there would be no need of any other; no necessity that men should separate from this great and natural community, and by positive agreements combine into smaller and divided associations.

The other power a man has in the state of nature, is the *power to punish the crimes* committed against that law. Both these he gives up, when he joins in a private, if I may so call it, or particular politic society, and incorporates into any common-wealth, separate from the rest of mankind.

§. 129.

§. 129. The first *power*, viz. *of doing whatsoever he thought for the preservation of himself*, and the rest of mankind, *he gives up* to be regulated by laws made by the society, so far forth as the preservation of himself, and the rest of that society shall require; which laws of the society in many things confine the liberty he had by the law of nature.

§. 130. *Secondly*, The *power of punishing he wholly gives up*, and engages his natural force, (which he might before employ in the execution of the law of nature, by his own single authority, as he thought fit) to assist the executive power of the society, as the law thereof shall require: for being now in a new state, wherein he is to enjoy many conveniencies, from the labour, assistance, and society of others in the same community, as well as protection from its whole strength; he is to part also with as much of his natural liberty, in providing for himself, as the good, prosperity, and safety of the society shall require; which is not only necessary, but just, since the other members of the society do the like.

§. 131. But though men, when they enter into society, give up the equality, liberty, and executive power they had in the state of nature, into the hands of the society, to be so far disposed of by the legislative, as the good of the society shall require; yet it being

only with an intention in every one the better to preſerve himſelf, his liberty and property; (for no rational creature can be ſuppoſed to change his condition with an intention to be worſe) the power of the ſociety, or *legiſlative* conſtituted by them, can *never be ſuppoſed to extend farther, than the common good*; but is obliged to ſecure every one's property, by providing againſt thoſe three defects above mentioned, that made the ſtate of nature ſo unſafe and uneaſy. And ſo whoever has the legiſlative or ſupreme power of any common-wealth, is bound to govern by eſtabliſhed *ſtanding laws*, promulgated and known to the people, and not by extemporary decrees; by *indifferent* and upright *judges*, who are to decide controverſies by thoſe laws; and to employ the force of the community at home, *only in the execution of ſuch laws*, or abroad to prevent or redreſs foreign injuries, and ſecure the community from inroads and invaſion. And all this to be directed to no other *end*, but the *peace*, *ſafety*, and *public good* of the people.

CHAP. X.

Of the Forms of a Common-wealth.

§. 132. THE majority having, as has been ſhewed, upon men's firſt uniting into ſociety, the whole power of the community

munity naturally in them, may employ all that power in making laws for the community from time to time, and executing thoſe laws by officers of their own appointing; and then the *form* of the government is a perfect *democracy*: or elſe may put the power of making laws into the hands of a few ſelect men, and their heirs or ſucceſſors; and then it is an *oligarchy*: or elſe into the hands of one man, and then it is a *monarchy*: if to him and his heirs, it is an *hereditary monarchy*: if to him only for life, but upon his death the power only of nominating a ſucceſſor to return to them; an *elective monarchy*. And ſo accordingly of theſe the community may make compounded and mixed forms of government, as they think good. And if the legiſlative power be at firſt given by the majority to one or more perſons only for their lives, or any limited time, and then the ſupreme power to revert to them again; when it is ſo reverted, the community may diſpoſe of it again anew into what hands they pleaſe, and ſo conſtitute a new form of government: for the *form of government depending upon the placing the* ſupreme power, which is *the legiſlative*, it being impoſſible to conceive that an inferior power ſhould preſcribe to a ſuperior, or any but the ſupreme make laws, according as the power of making laws is placed, ſuch is the *form of the common-wealth*.

§. 133. By *common-wealth*, I muſt be underſtood all along to mean, not a democracy, or any form of government, but *any independent community*, which the *Latines* ſignified by the word *civitas*, to which the word which beſt anſwers in our language, is *common-wealth*, and moſt properly expreſſes ſuch a ſociety of men, which community or city in *Engliſh* does not; for there may be ſubordinate communities in a government; and city amongſt us has a quite different notion from common-wealth: and therefore, to avoid ambiguity, I crave leave to uſe the word *common-wealth* in that ſenſe, in which I find it uſed by king *James the firſt*; and I take it to be its genuine ſignification; which if any body diſlike, I conſent with him to change it for a better.

CHAP. XI.

Of the Extent of the Legiſlative Power.

§. 134. THE great end of men's entering into ſociety, being the enjoyment of their properties in peace and ſafety, and the great inſtrument and means of that being the laws eſtabliſhed in that ſociety; the *firſt and fundamental poſitive law* of all common-wealths *is the eſtabliſhing of the legiſlative* power; as the *firſt and fundamental natural law*,

law, which is to govern even the legiſlative itſelf, *is the preſervation of the ſociety*, and (as far as will conſiſt with the public good) of every perſon in it. This *legiſlative* is not only *the ſupreme power* of the common-wealth, but ſacred and unalterable in the hands where the community have once placed it; nor can any edict of any body elſe, in what form ſoever conceived, or by what power ſoever backed, have the force and obligation of a *law*, which has not its *ſanction from* that *legiſlative* which the public has choſen and appointed: for without this the law could not have that, which is abſolutely neceſſary to its being a *law*, * *the conſent of the ſociety*, over whom no body can have a power to make laws, but by their own conſent, and by authority received

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* The lawful power of making laws to command whole politic ſocieties of men, belonging ſo properly unto the ſame intire ſocieties, that for any prince or potentate of what kind ſoever upon earth, to exerciſe the ſame of himſelf, and not by expreſs commiſſion immediately and perſonally received from God, or elſe by authority derived at the firſt from their conſent, upon whoſe perſons they impoſe laws, it is no better than mere tyranny. Laws they are not therefore which public approbation hath not made ſo. *Hooker's Eccl. Pol. l.* i. *ſect.* 10. Of this point therefore we are to note, that ſith men naturally have no full and perfect power to command whole politic multitudes of men, therefore utterly without our conſent, we could in ſuch ſort be at no man's commandment living. And to be commanded we do conſent, when that ſociety, whereof we be a part, hath at any time before conſented, without revoking the ſame after by the like univerſal agreement.

Laws therefore human, of what kind ſo ever, are available by conſent. *Ibid.*

ceived from them; and therefore all the *obedience*, which by the moſt ſolemn ties any one can be obliged *to* pay, ultimately terminates in this *ſupreme power*, and is directed by thoſe laws which it enacts: nor can any oaths to any foreign power whatſoever, or any domeſtic ſubordinate power, diſcharge any member of the ſociety from his *obedience to the legiſlative*, acting purſuant to their truſt; nor oblige him to any obedience contrary to the laws ſo enacted, or farther than they do allow; it being ridiculous to imagine one can be tied ultimately to *obey* any *power* in the ſociety, which is not the *ſupreme*.

§. 135. Though the *legiſlative*, whether placed in one or more, whether it be always in being, or only by intervals, though it be the *ſupreme* power in every common-wealth; yet,

Firſt, It is *not*, nor can poſſibly be abſolutely *arbitrary* over the lives and fortunes of the people: for it being but the joint power of every member of the ſociety given up to that perſon, or aſſembly, which is legiſlator; it can be no more than thoſe perſons had in a ſtate of nature before they entered into ſociety, and gave up to the community: for no body can transfer to another more power than he has in himſelf; and no body has an abſolute arbitrary power over himſelf, or over any other, to deſtroy his own life, or take away the life or property of another. A man,

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as has been proved, cannot ſubject himſelf to the arbitrary power of another; and having in the ſtate of nature no arbitrary power over the life, liberty, or poſſeſſion of another, but only ſo much as the law of nature gave him for the preſervation of himſelf, and the reſt of mankind; this is all he doth, or can give up to the common-wealth, and by it to the *legiſlative power*, ſo that the legiſlative can have no more than this. Their power, in the utmoſt bounds of it, is *limited to the public good* of the ſociety. It is a power, that hath no other end but preſervation, and therefore can never * have a right to deſtroy, enſlave, or deſignedly to impoveriſh the ſubjects. The obligations of the law of nature ceaſe not in ſociety, but only in many caſes are drawn cloſer, and have by human laws known

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* Two foundations there are which bear up public ſocieties; the one a natural inclination, whereby all men deſire ſociable life and fellowſhip; the other an order, expreſly or ſecretly agreed upon, touching the manner of their union in living together: the latter is that which we call the law of a common-weal, the very ſoul of a politic body, the parts whereof are by law animated, held together, and ſet on work in ſuch actions as the common good requireth. Laws politic, ordained for external order and regiment amongſt men, are never framed as they ſhould be, unleſs preſuming the will of man to be inwardly obſtinate, rebellious, and averſe from all obedience to the ſacred laws of his nature; in a word, unleſs preſuming man to be, in regard of his depraved mind, little better than a wild beaſt, they do accordingly provide, notwithſtanding, ſo to frame his outward actions, that they be no hindrance unto the common good, for which ſocieties are inſtituted. Unleſs they do this, they are not perfect. *Hooker's Eccl. Pol. l.* i. *ſect.* 10.

known penalties annexed to them, to inforce their obſervation. Thus the law of nature ſtands as an eternal rule to all men, *legiſlators* as well as others. The *rules* that they make for other men's actions, muſt, as well as their own and other men's actions, be conformable to the law of nature, *i. e.* to the will of God, of which that is a declaration, and the *fundamental law of nature being the preſervation of mankind*, no human ſanction can be good, or valid againſt it.

§. 136. *Secondly*, * The *legiſlative*, or ſupreme authority, cannot aſſume to its ſelf a power to rule by extemporary arbitrary decrees, but *is bound to diſpenſe juſtice*, and decide the rights of the ſubject *by promulgated ſtanding laws, and known authorized judges:* for the law of nature being unwritten, and ſo no where to be found but in the minds of men, they who through paſſion or intereſt ſhall miſcite, or miſapply it, cannot ſo eaſily be convinced of their miſtake where there is no eſtabliſhed judge: and ſo it ſerves not, as it ought, to determine the rights, and fence the properties

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* Human laws are meaſures in reſpect of men whoſe actions they muſt direct, howbeit ſuch meaſures they are as have alſo their higher rules to be meaſured by, which rules are two, the law of God, and the law of nature; ſo that laws human muſt be made according to the general laws of nature, and without contradiction to any poſitive law of ſcripture, otherwiſe they are ill made. *Hooker's Eccl. Pol. l.* iii. *ſect.* 9.

To conſtrain men to any thing inconvenient doth ſeem unreaſonable. *Ibid. l.* i. *ſect.* 10.

properties of thoſe that live under it, eſpecially where every one is judge, interpreter, and executioner of it too, and that in his own caſe: and he that has right on his ſide, having ordinarily but his own ſingle ſtrength, hath not force enough to defend himſelf from injuries, or to puniſh delinquents. To avoid theſe inconveniencies, which diſorder men's properties in the ſtate of nature, men unite into ſocieties, that they may have the united ſtrength of the whole ſociety to ſecure and defend their properties, and may have *ſtanding rules* to bound it, by which every one may know what is his. To this end it is that men give up all their natural power to the ſociety which they enter into, and the community put the legiſlative power into ſuch hands as they think fit, with this truſt, that they ſhall be governed by *declared laws*, or elſe their peace, quiet, and property will ſtill be at the ſame uncertainty, as it was in the ſtate of nature.

§. 137. Abſolute arbitrary power, or governing without *ſettled ſtanding laws*, can neither of them conſiſt with the ends of ſociety and government, which men would not quit the freedom of the ſtate of nature for, and tie themſelves up under, were it not to preſerve their lives, liberties and fortunes, and by *ſtated rules* of right and property to ſecure their peace and quiet. It cannot be ſuppoſed that they ſhould intend, had they a power

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ſo to do, to give to any one, or more, an *abſolute arbitrary power* over their perſons and eſtates, and put a force into the magiſtrate's hand to execute his unlimited will arbitrarily upon them. This were to put themſelves into a worſe condition than the ſtate of nature, wherein they had a liberty to defend their right againſt the injuries of others, and were upon equal terms of force to maintain it, whether invaded by a ſingle man, or many in combination. Whereas by ſuppoſing they have given up themſelves to the *abſolute arbitrary power* and will of a legiſlator, they have diſarmed themſelves, and armed him, to make a prey of them when he pleaſes; he being in a much worſe condition, who is expoſed to the arbitrary power of one man, who has the command of 100,000, than he that is expoſed to the arbitrary power of 100,000 ſingle men; no body being ſecure, that his will, who has ſuch a command, is better than that of other men, though his force be 100,000 times ſtronger. And therefore, whatever form the commonwealth is under, the ruling power ought to govern by *declared* and *received laws*, and not by extemporary dictates and undetermined reſolutions: for then mankind will be in a far worſe condition than in the ſtate of nature, if they ſhall have armed one, or a few men with the joint power of a multitude, to force them to obey at pleaſure the exor-

bitant and unlimited decrees of their ſudden thoughts, or unreſtrained, and till that moment unknown wills, without having any meaſures ſet down which may guide and juſtify their actions: for all the power the government has, being only for the good of the ſociety, as it ought not to be *arbitrary* and at pleaſure, ſo it ought to be exerciſed by *eſtabliſhed and promulgated laws*; that both the people may know their duty, and be ſafe and ſecure within the limits of the law; and the rulers too kept within their bounds, and not be tempted, by the power they have in their hands, to employ it to ſuch purpoſes, and by ſuch meaſures, as they would not have known, and own not willingly.

§. 138. *Thirdly*, The *ſupreme power cannot take* from any man any part of his *property* without his own conſent: for the preſervation of property being the end of government, and that for which men enter into ſociety, it neceſſarily ſuppoſes and requires, that the people ſhould *have property*, without which they muſt be ſuppoſed to loſe that, by entering into ſociety, which was the end for which they entered into it; too groſs an abſurdity for any man to own. *Men* therefore *in ſociety having property*, they have ſuch a right to the goods, which by the law of the community are their's, that no body hath a right to take their ſubſtance or any part of it from them, without their own conſent: without this

this they have no *property* at all; for I have truly no *property* in that, which another can by right take from me, when he pleaſes, againſt my conſent. Hence it is a miſtake to think, that the *ſupreme or legiſlative power* of any common-wealth, can do what it will, and diſpoſe of the eſtates of the ſubject *arbitrarily*, or take any part of them at pleaſure. This is not much to be feared in governments where the *legiſlative* conſiſts, wholly or in part, in aſſemblies which are variable, whoſe members, upon the diſſolution of the aſſembly, are ſubjects under the common laws of their country, equally with the reſt. But in governments, where the *legiſlative* is in one laſting aſſembly always in being, or in one man, as in abſolute monarchies, there is danger ſtill, that they will think themſelves to have a diſtinct intereſt from the reſt of the community; and ſo will be apt to increaſe their own riches and power, by taking what they think fit from the people: for a man's *property* is not at all ſecure, tho' there be good and equitable laws to ſet the bounds of it between him and his fellow ſubjects, if he who commands thoſe ſubjects have power to take from any private man, what part he pleaſes of his *property*, and uſe and diſpoſe of it as he thinks good.

§. 139. But *government*, into whatſoever hands it is put, being, as I have before ſhewed, intruſted with this condition, and *for this end*,

end, that men might have and ſecure their *properties*; the prince, or ſenate, however it may have power to make laws, for the regulating of *property* between the ſubjects one amongſt another, yet can never have a power to take to themſelves the whole, or any part of the ſubjects *property*, without their own conſent: for this would be in effect to leave them no *property* at all. And to let us ſee, that even *abſolute power*, where it is neceſſary, is *not arbitrary* by being abſolute, but is ſtill limited by that reaſon, and confined to thoſe ends, which required it in ſome caſes to be abſolute, we need look no farther than the common practice of martial diſcipline: for the preſervation of the army, and in it of the whole common-wealth, requires an *abſolute obedience* to the command of every ſuperior officer, and it is juſtly death to diſobey or diſpute the moſt dangerous or unreaſonable of them; but yet we ſee, that neither the ſerjeant, that could command a ſoldier to march up to the mouth of a cannon, or ſtand in a breach, where he is almoſt ſure to periſh, can command that ſoldier to give him one penny of his money; nor the *general*, that can condemn him to death for deſerting his poſt, or for not obeying the moſt deſperate orders, can yet, with all his *abſolute power* of life and death, diſpoſe of one farthing of that ſoldier's eſtate, or ſeize one jot of his goods; whom yet he can command any thing, and

hang for the leaſt diſobedience; becauſe ſuch a blind obedience is neceſſary to that end, for which the commander has his power, *viz.* the preſervation of the reſt; but the diſpoſing of his goods has nothing to do with it.

§. 140. It is true, governments cannot be ſupported without great charge, and it is fit every one who enjoys his ſhare of the protection, ſhould pay out of his eſtate his proportion for the maintenance of it. But ſtill it muſt be with his own conſent, *i. e.* the conſent of the majority, giving it either by themſelves, or their repreſentatives choſen by them: for if any one ſhall claim a *power to lay* and levy *taxes* on the people, by his own authority, and without ſuch conſent of the people, he thereby invades the *fundamental law of property*, and ſubverts the end of government: for what property have I in that, which another may by right take, when he pleaſes, to himſelf?

§. 141. *Fourthly*, The *legiſlative cannot transfer the power of making laws* to any other hands: for it being but a delegated power from the people, they who have it cannot paſs it over to others. The people alone can appoint the form of the common-wealth, which is by conſtituting the legiſlative, and appointing in whoſe hands that ſhall be. And when the people have ſaid, We will ſubmit to rules, and be governed by *laws* made by ſuch men, and in ſuch forms, no body elſe can

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ſay other men ſhall make *laws* for them; nor can the people be bound by any *laws*, but ſuch as are enacted by thoſe whom they have choſen, and authorized to make *laws* for them. The power of the *legiſlative*, being derived from the people by a poſitive voluntary grant and inſtitution, can be no other than what that poſitive grant conveyed, which being only to make *laws*, and not to make *legiſlators*, the *legiſlative* can have no power to transfer their authority of making laws, and place it in other hands.

§. 142. Theſe are the *bounds* which the truſt, that is put in them by the ſociety, and the law of God and nature, have *ſet to the legiſlative* power of every common-wealth, in all forms of government.

Firſt, They are to govern by *promulgated eſtabliſhed laws*, not to be varied in particular caſes, but to have one rule for rich and poor, for the favourite at court, and the country man at plough.

Secondly, Theſe *laws* alſo ought to be deſigned *for* no other end ultimately, but *the good of the people*.

Thirdly, They muſt *not raiſe taxes* on the *property of the people*, *without the conſent of the people*, given by themſelves, or their deputies. And this properly concerns only ſuch governments where the *legiſlative* is always in being, or at leaſt where the people have not reſerved any part of the legiſlative to

deputies, to be from time to time choſen by themſelves.

Fourthly, The *legiſlative* neither muſt *nor can transfer the power of making laws* to any body elſe, or place it any where, but where the people have.

CHAP. XII.

Of the Legiſlative, Executive, and Federative Power of the Common-wealth.

§. 143. THE *legiſlative* power is that, which has a right *to direct how the force of the common-wealth* ſhall be employed for preſerving the community and the members of it. But becauſe thoſe laws which are conſtantly to be executed, and whoſe force is always to continue, may be made in a little time; therefore there is no need, that the *legiſlative* ſhould be always in being, not having always buſineſs to do. And becauſe it may be too great a temptation to human frailty, apt to graſp at power, for the ſame perſons, who have the power of making laws, to have alſo in their hands the power to execute them, whereby they may exempt themſelves from obedience to the laws they make, and ſuit the law, both in its making, and execution, to their own private advantage, and thereby come to have a diſtinct intereſt from the reſt of the community,

munity, contrary to the end of ſociety and government: therefore in well-ordered common-wealths, where the good of the whole is ſo conſidered, as it ought, the *legiſlative* power is put into the hands of divers perſons, who duly aſſembled, have by themſelves, or jointly with others, a power to make laws, which when they have done, being ſeparated again, they are themſelves ſubject to the laws they have made; which is a new and near tie upon them, to take care, that they make them for the public good.

§. 144. But becauſe the laws, that are at once, and in a ſhort time made, have a conſtant and laſting force, and need a *perpetual execution*, or an attendance thereunto; therefore it is neceſſary there ſhould be a *power always in being*, which ſhould ſee to the *execution* of the laws that are made, and remain in force. And thus the *legiſlative* and *executive power* come often to be ſeparated.

§. 145. There is another *power* in every common-wealth, which one may call *natural*, becauſe it is that which anſwers to the power every man naturally had before he entered into ſociety: for though in a common-wealth the members of it are diſtinct perſons ſtill in reference to one another, and as ſuch are governed by the laws of the ſociety; yet in reference to the reſt of mankind, they make one body, which is, as every member of it before was, ſtill in the ſtate of

nature with the reſt of mankind. Hence it is, that the controverſies that happen between any man of the ſociety with thoſe that are out of it, are managed by the public; and an injury done to a member of their body, engages the whole in the reparation of it. So that under this conſideration, the whole community is one body in the ſtate of nature, in reſpect of all other ſtates or perſons out of its community.

§. 146. This therefore contains the power of war and peace, leagues and alliances, and all the tranſactions, with all perſons and communities without the common-wealth, and may be called *federative*, if any one pleaſes. So the thing be underſtood, I am indifferent as to the name.

§. 147. Theſe two powers, *executive* and *federative*, though they be really diſtinct in themſelves, yet one comprehending the *execution* of the municipal laws of the ſociety *within* its ſelf, upon all that are parts of it; the other the management of the *ſecurity and intereſt of the public without*, with all thoſe that it may receive benefit or damage from, yet they are always almoſt united. And though this *federative power* in the well or ill management of it be of great moment to the common-wealth, yet it is much leſs capable to be directed by antecedent, ſtanding, poſitive laws, than the *executive*; and ſo muſt neceſſarily be left to the prudence and wiſdom

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of thoſe, whoſe hands it is in, to be managed for the public good: for the *laws* that concern ſubjects one amongſt another, being to direct their actions, may well enough *precede* them. But what is to be done in reference to *foreigners*, depending much upon their actions, and the variation of deſigns and intereſts, muſt be *left* in great part *to* the *prudence* of thoſe, who have this power committed to them, to be managed by the beſt of their ſkill, for the advantage of the common-wealth.

§. 148. Though, as I ſaid, the *executive* and *federative power* of every community be really diſtinct in themſelves, yet they are hardly to be ſeparated, and placed at the ſame time, in the hands of diſtinct perſons: for both of them requiring the force of the ſociety for their exerciſe, it is almoſt impracticable to place the force of the common-wealth in diſtinct, and not ſubordinate hands; or that the *executive* and *federative power* ſhould be *placed* in perſons, that might act ſeparately, whereby the force of the public would be under different commands: which would be apt ſome time or other to cauſe diſorder and ruin.

CHAP. XIII.

Of the Subordination of the Powers of the Common-wealth.

§. 149. THough in a conſtituted common-wealth, ſtanding upon its own baſis, and acting according to its own nature, that is, acting for the preſervation of the community, there can be but *one ſupreme power*, which is *the legiſlative*, to which all the reſt are and muſt be ſubordinate, yet the legiſlative being only a fiduciary power to act for certain ends, there remains ſtill *in the people a ſupreme power to remove or alter the legiſlative*, when they find the *legiſlative* act contrary to the truſt repoſed in them: for all *power given with truſt* for the attaining an *end*, being limited by that end, whenever that *end* is manifeſtly neglected, or oppoſed, the *truſt* muſt neceſſarily be *forfeited*, and the power devolve into the hands of thoſe that gave it, who may place it anew where they ſhall think beſt for their ſafety and ſecurity. And thus the *community* perpetually *retains a ſupreme power* of ſaving themſelves from the attempts and deſigns of any body, even of their legiſlators, whenever they ſhall be ſo fooliſh, or ſo wicked, as to lay and carry on deſigns againſt the liberties and properties of the ſubject: for no man or ſociety of men, having a power to deliver up their *preſer-*

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vation, or consequently the means of it, to the absolute will and arbitrary dominion of another; when ever any one shall go about to bring them into such a slavish condition, they will always have a right to preserve, what they have not a power to part with; and to rid themselves of those, who invade this fundamental, sacred, and unalterable law of *self-preservation*, for which they entered into society. And thus the *community* may be said in this respect to be *always the supreme power*, but not as considered under any form of government, because this power of the people can never take place till the government be dissolved.

§. 150. In all cases, whilst the government subsists, the *legislative is the supreme power*: for what can give laws to another, must needs be superior to him; and since the legislative is no otherwise legislative of the society, but by the right it has to make laws for all the parts, and for every member of the society, prescribing rules to their actions, and giving power of execution, where they are transgressed, the *legislative* must needs be the *supreme*, and all other powers, in any members or parts of the society, derived from and subordinate to it.

§. 151. In some common-wealths, where the *legislative* is not always in being, and the *executive* is vested in a single person, who has also a share in the legislative; there that single person

perſon in a very tolerable ſenſe may alſo be called *ſupreme*: not that he has in himſelf all the ſupreme power, which is that of law-making; but becauſe he has in him the *ſupreme execution*, from whom all inferior magiſtrates derive all their ſeveral ſubordinate powers, or at leaſt the greateſt part of them: having alſo no legiſlative ſuperior to him, there being no law to be made without his conſent, which cannot be expected ſhould ever ſubject him to the other part of the legiſlative, *he* is properly enough in this ſenſe *ſupreme*. But yet it is to be obſerved, that tho' *oaths of allegiance* and fealty are taken to him, it is not to him as ſupreme legiſlator, but as *ſupreme executor* of the law, made by a joint power of him with others; *allegiance* being nothing but an *obedience according to law*, which when he violates, he has no right to obedience, nor can claim it otherwiſe than as the public perſon veſted with the power of the law, and ſo is to be conſidered as the image, phantom, or repreſentative of the common-wealth, acted by the will of the ſociety, declared in its laws; and thus he has no will, no power, but that of the law. But when he quits this repreſentation, this public will, and acts by his own private will, he degrades himſelf, and is but a ſingle private perſon without power, and without will, that has any right to *obedience*; the members

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owing no *obedience* but to the public will of the ſociety.

§. 152. The *executive power*, placed any where but in a perſon that has alſo a ſhare in the legiſlative, is viſibly ſubordinate and accountable to it, and may be at pleaſure changed and diſplaced; ſo that it is not the *ſupreme executive power*, that is exempt from *ſubordination*, but the *ſupreme executive power* veſted in one, who having a ſhare in the legiſlative, has no diſtinct ſuperior legiſlative to be ſubordinate and accountable to, farther than he himſelf ſhall join and conſent; ſo that he is no more ſubordinate than he himſelf ſhall think fit, which one may certainly conclude will be but very little. Of other *miniſterial and ſubordinate powers* in a common-wealth, we need not ſpeak, they being ſo multiplied with infinite variety, in the different cuſtoms and conſtitutions of diſtinct common-wealths, that it is impoſſible to give a particular account of them all. Only thus much, which is neceſſary to our preſent purpoſe, we may take notice of concerning them, that they have no manner of authority, any of them, beyond what is by poſitive grant and commiſſion delegated to them, and are all of them accountable to ſome other power in the common-wealth.

§. 153. It is not neceſſary, no, nor ſo much as convenient, that the *legiſlative* ſhould be *always in being*; but abſolutely neceſſary that

the executive power ſhould, becauſe there is not always need of new laws to be made, but always need of execution of the laws that are made. When the *legiſlative* hath put the *execution* of the laws, they make, into other hands, they have a power ſtill to reſume it out of thoſe hands, when they find cauſe, and to puniſh for any mal-adminiſtration againſt the laws. The ſame holds alſo in regard of the *federative* power, that and the *executive* being both *miniſterial* and *ſubordinate to the legiſlative*, which, as has been ſhewed, in a conſtituted common-wealth is the ſupreme. The *legiſlative* alſo in this caſe being ſuppoſed to conſiſt of ſeveral perſons, (for if it be a ſingle perſon, it cannot but be always in being, and ſo will, as ſupreme, naturally have the ſupreme executive power, together with the legiſlative) may *aſſemble, and exerciſe their legiſlature*, at the times that either their original conſtitution, or their own adjournment, appoints, or when they pleaſe; if neither of theſe hath appointed any time, or there be no other way preſcribed to convoke them: for the ſupreme power being placed in them by the people, it is always in them, and they may exerciſe it when they pleaſe, unleſs by their original conſtitution they are limited to certain ſeaſons, or by an act of their ſupreme power they have adjourned to a certain time; and when that time comes, they have a right to *aſſemble* and act again.

§. 154. If the *legiſlative*, or any part of it, be made up of *repreſentatives* choſen for that time by the people, which afterwards return into the ordinary ſtate of ſubjects, and have no ſhare in the legiſlature but upon a new choice, this power of chuſing muſt alſo be exerciſed by the people, either at certain appointed ſeaſons, or elſe when they are ſummoned to it; and in this latter caſe, the power of convoking the legiſlative is ordinarily placed in the executive, and has one of theſe two limitations in reſpect of time: that either the original conſtitution requires their *aſſembling* and *acting* at certain intervals, and then the executive power does nothing but miniſterially iſſue directions for their electing and aſſembling, according to due forms; or elſe it is left to his prudence to call them by new elections, when the occaſions or exigencies of the public require the amendment of old, or making of new laws, or the redreſs or prevention of any inconveniencies, that lie on, or threaten the people.

§. 155. It may be demanded here, What if the executive power, being poſſeſſed of the force of the common-wealth, ſhall make uſe of that force to hinder the *meeting* and *acting of the legiſlative*, when the original conſtitution, or the public exigencies require it? I ſay, uſing force upon the people without authority, and contrary to the truſt put in him

him that does ſo, is a ſtate of war with the people, who have a right to *reinſtate* their *legiſlative in the exerciſe* of their power: for having erected a legiſlative, with an intent they ſhould exerciſe the power of making laws, either at certain ſet times, or when there is need of it, when they are hindered by any force from what is ſo neceſſary to the ſociety, and wherein the ſafety and preſervation of the people conſiſts, the people have a right to remove it by force. In all ſtates and conditions, the true remedy of *force* without authority, is to oppoſe *force* to it. The uſe of *force* without authority, always puts him that uſes it into a *ſtate of war*, as the aggreſſor, and renders him liable to be treated accordingly.

§. 156. The *power of aſſembling and diſmiſſing the legiſlative*, placed in the executive, gives not the executive a ſuperiority over it, but is a fiduciary truſt placed in him, for the ſafety of the people, in a caſe where the uncertainty and variableneſs of human affairs could not bear a ſteady fixed rule: for it not being poſſible, that the firſt framers of the government ſhould, by any foreſight, be ſo much maſters of future events, as to be able to prefix ſo juſt periods of return and duration to the *aſſemblies of the legiſlative*, in all times to come, that might exactly anſwer all the exigencies of the common-wealth; the beſt remedy could be found for this defect,

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was to truſt this to the prudence of one who was always to be preſent, and whoſe buſineſs it was to watch over the public good. Conſtant *frequent meetings of the legiſlative*, and long continuations of their aſſemblies, without neceſſary occaſion, could not but be burdenſome to the people, and muſt neceſſarily in time produce more dangerous inconveniencies, and yet the quick turn of affairs might be ſometimes ſuch as to need their preſent help: any delay of their *convening* might endanger the public; and ſometimes too their buſineſs might be ſo great, that the limited time of their ſitting might be too ſhort for their work, and rob the public of that benefit which could be had only from their mature deliberation. What then could be done in this caſe to prevent the community from being expoſed ſome time or other to eminent hazard, on one ſide or the other, by fixed intervals and periods, ſet to the *meeting and acting of the legiſlative*, but to intruſt it to the prudence of ſome, who being preſent, and acquainted with the ſtate of public affairs, might make uſe of this prerogative for the public good? and where elſe could this be ſo well placed as in his hands, who was intruſted with the execution of the laws for the ſame end? Thus ſuppoſing the regulation of times for the *aſſembling and ſitting of the legiſlative*, not ſettled by the original conſtitution, it naturally fell into the hands of the executive,

executive, not as an arbitrary power depending on his good pleaſure, but with this truſt always to have it exerciſed only for the public weal, as the occurrences of times and change of affairs might require. Whether *ſettled periods of their convening*, or *a liberty* left to the prince for *convoking the legiſlative*, or perhaps a mixture of both, hath the leaſt inconvenience attending it, it is not my buſineſs here to inquire, but only to ſhew, that though the executive power may have the prerogative of *convoking* and *diſſolving* ſuch *conventions of the legiſlative*, yet it is not thereby ſuperior to it.

§. 157. Things of this world are in ſo conſtant a flux, that nothing remains long in the ſame ſtate. Thus people, riches, trade, power, change their ſtations, flouriſhing mighty cities come to ruin, and prove in times neglected deſolate corners, whilſt other unfrequented places grow into populous countries, filled with wealth and inhabitants. But things not always changing equally, and private intereſt often keeping up cuſtoms and privileges, when the reaſons of them are ceaſed, it often comes to paſs, that in governments, where part of the legiſlative conſiſts of *repreſentatives* choſen by the people, that in tract of time this *repreſentation* becomes very *unequal* and diſproportionate to the reaſons it was at firſt eſtabliſhed upon. To what groſs abſurdities the following of cuſtom, when

when reaſon has left it, may lead, we may be ſatisfied, when we ſee the bare name of a town, of which there remains not ſo much as the ruins, where ſcarce ſo much houſing as a ſheepcote, or more inhabitants than a ſhepherd is to be found, ſends *as many repreſentatives* to the grand aſſembly of law-makers, as a whole county numerous in people, and powerful in riches. This ſtrangers ſtand amazed at, and every one muſt confeſs needs a remedy; tho' moſt think it hard to find one, becauſe the conſtitution of the legiſlative being the original and ſupreme act of the ſociety, antecedent to all poſitive laws in it, and depending wholly on the people, no inferior power can alter it. And therefore the *people*, when the *legiſlative* is once conſtituted, *having*, in ſuch a government as we have been ſpeaking of, *no power* to act as long as the government ſtands; this inconvenience is thought incapable of a remedy.

§. 158. *Salus populi ſuprema lex*, is certainly ſo juſt and fundamental a rule, that he, who ſincerely follows it, cannot dangerouſly err. If therefore the executive, who has the power of convoking the legiſlative, obſerving rather the true proportion, than faſhion of *repreſentation*, regulates, not by old cuſtom, but true reaſon, the *number of members*, in all places that have a right to be diſtinctly repreſented, which no part of the people how-

ever incorporated can pretend to, but in proportion to the assistance which it affords to the public, it cannot be judged to have set up a new legislative, but to have restored the old and true one, and to have rectified the disorders which succession of time had insensibly, as well as inevitably introduced: For it being the interest as well as intention of the people, to have a fair and *equal representative*; whoever brings it nearest to that, is an undoubted friend to, and establisher of the government, and cannot miss the consent and approbation of the community; *prerogative* being nothing but a power, in the hands of the prince, to provide for the public good, in such cases, which depending upon unforeseen and uncertain occurrences, certain and unalterable laws could not safely direct; whatsoever shall be done manifestly for the good of the people, and the establishing the government upon its true foundations, is, and always will be, just *prerogative*. The power of erecting new corporations, and therewith *new representatives*, carries with it a supposition, that in time the *measures of representation* might vary, and those places have a just right to be represented which before had none; and by the same reason, those cease to have a right, and be too inconsiderable for such a privilege, which before had it. 'Tis not a change from the present state, which perhaps corruption or decay has introduced, that makes

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an inroad upon the government, but the tendency of it to injure or oppreſs the people, and to ſet up one part or party, with a diſtinction from, and an unequal ſubjection of the reſt. Whatſoever cannot but be acknowledged to be of advantage to the ſociety, and people in general, upon juſt and laſting meaſures, will always, when done, juſtify itſelf; and whenever the people ſhall chuſe their *repreſentatives upon* juſt and undeniably *equal meaſures*, ſuitable to the original frame of the government, it cannot be doubted to be the will and act of the ſociety, whoever permitted or cauſed them ſo to do.

CHAP. XIV.
Of PREROGATIVE.

§. 159. WHERE the legiſlative and executive power are in diſtinct hands, (as they are in all moderated monarchies, and well-framed governments) there the good of the ſociety requires, that ſeveral things ſhould be left to the diſcretion of him that has the executive power: for the legiſlators not being able to foreſee, and provide by laws, for all that may be uſeful to the community, the executor of the laws, having the power in his hands, has by the common law of nature a right to make uſe of it for the good of the ſociety, in many caſes, where the mu-

nicipal law has given no direction, till the legiſlative can conveniently be aſſembled to provide for it. Many things there are, which the law can by no means provide for; and thoſe muſt neceſſarily be left to the diſcretion of him that has the executive power in his hands, to be ordered by him as the public good and advantage ſhall require: nay, it is fit that the laws themſelves ſhould in ſome caſes give way to the executive power, or rather to this fundamental law of nature and government, *viz.* That as much as may be, *all* the members of the ſociety are to be preſerved: for ſince many accidents may happen, wherein a ſtrict and rigid obſervation of the laws may do harm; (as not to pull down an innocent man's houſe to ſtop the fire, when the next to it is burning) and a man may come ſomtimes within the reach of the law, which makes no diſtinction of perſons, by an action that may deſerve reward and pardon; 'tis fit the ruler ſhould have a power, in many caſes, to mitigate the ſeverity of the law, and pardon ſome offenders: for the *end of government* being *the preſervation of all*, as much as may be, even the guilty are to be ſpared, where it can prove no prejudice to the innocent.

§. 160. This power to act according to diſcretion, for the public good, without the preſcription of the law, and ſometimes even againſt it, *is* that which is called *prerogative*: for ſince in ſome governments the law-making

making power is not always in being, and is uſually too numerous, and ſo too ſlow, for the diſpatch requiſite to execution; and becauſe alſo it is impoſſible to foreſee, and ſo by laws to provide for, all accidents and neceſſities that may concern the public, or to make ſuch laws as will do no harm, if they are executed with an inflexible rigour, on all occaſions, and upon all perſons that may come in their way; therefore there is a latitude left to the executive power, to do many things of choice which the laws do not preſcribe.

§. 161. This power, whilſt employed for the benefit of the community, and ſuitably to the truſt and ends of the government, *is undoubted prerogative*, and never is queſtioned: for the people are very ſeldom or never ſcrupulous or nice in the point; they are far from examining *prerogative*, whilſt it is in any tolerable degree employed for the uſe it was meant, that is, for the good of the people, and not manifeſtly againſt it: but if there comes to be a *queſtion* between the executive power and the people, about a thing claimed as a *prerogative*; the tendency of the exerciſe of ſuch *prerogative* to the good or hurt of the people, will eaſily decide that queſtion.

§. 162. It is eaſy to conceive, that in the infancy of governments, when commonwealths differed little from families in number of people, they differed from them too but little in number of laws: and the governors,

being as the fathers of them, watching over them for their good, the government was almoſt all *prerogative*. A few eſtabliſhed laws ſerved the turn, and the diſcretion and care of the ruler ſupplied the reſt. But when miſtake or flattery prevailed with weak princes to make uſe of this power for private ends of their own, and not for the public good, the people were fain by expreſs laws to get prerogative determined in thoſe points wherein they found diſadvantage from it: and thus declared *limitations of prerogative* were by the people found neceſſary in caſes which they and their anceſtors had left, in the utmoſt latitude, to the wiſdom of thoſe princes who made no other but a right uſe of it, that is, for the good of their people.

§. 163. And therefore they have a very wrong notion of government, who ſay, that the people have *incroached upon the prerogative*, when they have got any part of it to be defined by poſitive laws: for in ſo doing they have not pulled from the prince any thing that of right belonged to him, but only declared, that that power which they indefinitely left in his or his anceſtors hands, to be exerciſed for their good, was not a thing which they intended him when he uſed it otherwiſe: for the end of government being the good of the community, whatſoever alterations are made in it, tending to that end, cannot be an *incroachment* upon any body, ſince no body in

government can have a right tending to any other end: and thoſe only are *incroachments* which prejudice or hinder the public good. Thoſe who ſay otherwiſe, ſpeak as if the prince had a diſtinct and ſeparate intereſt from the good of the community, and was not made for it; the root and ſource from which ſpring almoſt all thoſe evils and diſorders which happen in kingly governments. And indeed, if that be ſo, the people under his government are not a ſociety of rational creatures, entered into a community for their mutual good; they are not ſuch as have ſet rulers over themſelves, to guard, and promote that good; but are to be looked on as an herd of inferior creatures under the dominion of a maſter, who keeps them and works them for his own pleaſure or profit. If men were ſo void of reaſon, and brutiſh, as to enter into ſociety upon ſuch terms, *prerogative* might indeed be, what ſome men would have it, an arbitrary power to do things hurtful to the people.

§. 164. But ſince a rational creature cannot be ſuppoſed, when free, to put himſelf into ſubjection to another, for his own harm; (though, where he finds a good and wiſe ruler, he may not perhaps think it either neceſſary or uſeful to ſet preciſe bounds to his power in all things) *prerogative* can be nothing but the people's permitting their rulers to do ſeveral things, of their own free choice, where

the law was ſilent, and ſometimes too againſt the direct letter of the law, for the public good; and their acquieſcing in it when ſo done: for as a good prince, who is mindful of the truſt put into his hands, and careful of the good of his people, cannot have too much *prerogative*, that is, power to do good; ſo a weak and ill prince, who would claim that power which his predeceſſors exerciſed without the direction of the law, as a prerogative belonging to him by right of his office, which he may exerciſe at his pleaſure, to make or promote an intereſt diſtinct from that of the public, gives the people an occaſion to claim their right, and limit that power, which, whilſt it was exerciſed for their good, they were content ſhould be tacitly allowed.

§. 165. And therefore he that will look into the *hiſtory of England*, will find, that *prerogative* was always *largeſt* in the hands of our wiſeſt and beſt princes; becauſe the people, obſerving the whole tendency of their actions to be the public good, conteſted not what was done without law to that end; or, if any human frailty or miſtake (for princes are but men, made as others) appeared in ſome ſmall declinations from that end; yet 'twas viſible, the main of their conduct tended to nothing but the care of the public. The people therefore, finding reaſon to be ſatisfied with theſe princes, whenever they acted without, or contrary to the letter of the law, acquieſced in what

what they did, and, without the leaſt complaint, let them inlarge their *prerogative* as they pleaſed, judging rightly, that they did nothing herein to the prejudice of their laws, ſince they acted conformable to the foundation and end of all laws, the public good.

§. 166. Such god-like princes indeed had ſome title to arbitrary power by that argument, that would prove abſolute monarchy the beſt government, as that which God himſelf governs the univerſe by; becauſe ſuch kings partake of his wiſdom and goodneſs. Upon this is founded that ſaying, That the reigns of good princes have been always moſt dangerous to the liberties of their people: for when their ſucceſſors, managing the government with different thoughts, would draw the actions of thoſe good rulers into precedent, and make them the ſtandard of their *prerogative*, as if what had been done only for the good of the people was a right in them to do, for the harm of the people, if they ſo pleaſed; it has often occaſioned conteſt, and ſometimes public diſorders, before the people could recover their original right, and get that to be declared not to be *prerogative*, which truly was never ſo; ſince it is impoſſible that any body in the ſociety ſhould ever have a right to do the people harm; though it be very poſſible, and reaſonable, that the people ſhould not go about to ſet any bounds to the *prerogative* of thoſe kings,

or

or rulers, who themſelves tranſgreſſed not the bounds of the public good: for *prerogative is nothing but the power of doing public good without a rule.*

§. 167. The power of *calling parliaments* in *England*, as to preciſe time, place, and duration, is certainly a *prerogative* of the king, but ſtill with this truſt, that it ſhall be made uſe of for the good of the nation, as the exigencies of the times, and variety of occaſions, ſhall require: for it being impoſſible to foreſee which ſhould always be the fitteſt place for them to aſſemble in, and what the beſt ſeaſon; the choice of theſe was left with the executive power, as might be moſt ſubſervient to the public good, and beſt ſuit the ends of parliaments.

§. 168. The old queſtion will be aſked in this matter of *prerogative*, But *who ſhall be judge* when this power is made a right uſe of? I anſwer: between an executive power in being, with ſuch a prerogative, and a legiſlative that depends upon his will for their convening, there can be no *judge on earth*; as there can be none between the legiſlative and the people, ſhould either the executive, or the legiſlative, when they have got the power in their hands, deſign, or go about to enſlave or deſtroy them. The people have no other remedy in this, as in all other caſes where they have no judge on earth, but to *appeal to heaven*: for the rulers, in ſuch attempts,

tempts, exerciſing a power the people never put into their hands, (who can never be ſuppoſed to conſent that any body ſhould rule over them for their harm) do that which they have not a right to do. And where the body of the people, or any ſingle man, is deprived of their right, or is under the exerciſe of a power without right, and have no appeal on earth, then they have a liberty to appeal to heaven, whenever they judge the cauſe of ſufficient moment. And therefore, though the *people cannot* be *judge*, ſo as to have, by the conſtitution of that ſociety, any ſuperior power, to determine and give effective ſentence in the caſe; yet they have, by a law antecedent and paramount to all poſitive laws of men, reſerved that ultimate determination to themſelves which belongs to all mankind, where there lies no appeal on earth, *viz.* to judge, whether they have juſt cauſe to make their appeal to heaven. And this judgment they cannot part with, it being out of a man's power ſo to ſubmit himſelf to another, as to give him a liberty to deſtroy him; God and nature never allowing a man ſo to abandon himſelf, as to neglect his own preſervation: and ſince he cannot take away his own life, neither can he give another power to take it. Nor let any one think, this lays a perpetual foundation for diſorder; for this operates not, till the inconveniency is ſo great, that the majority feel

feel it, and are weary of it, and find a neceſſity to have it amended. But this the executive power, or wiſe princes, never need come in the danger of: and it is the thing, of all others, they have moſt need to avoid, as of all others the moſt perilous.

CHAP. XV.

Of Paternal, Political, and Deſpotical Power, conſidered together.

§. 169. THOUGH I have had occaſion to ſpeak of theſe ſeparately before, yet the great miſtakes of late about government, having, as I ſuppoſe, ariſen from confounding theſe diſtinct powers one with another, it may not, perhaps, be amiſs to conſider them here together.

§. 170. Firſt, then, *Paternal* or *parental power* is nothing but that which parents have over their children, to govern them for the children's good, till they come to the uſe of reaſon, or a ſtate of knowledge, wherein they may be ſuppoſed capable to underſtand that rule, whether it be the law of nature, or the municipal law of their country, they are to govern themſelves by: capable, I ſay, to know it, as well as ſeveral others, who live as freemen under that law. The affection and tenderneſs which God hath planted in the breaſt of parents towards their children,

makes

makes it evident, that this is not intended to be a ſevere arbitrary government, but only for the help, inſtruction, and preſervation of their offspring. But happen it as it will, there is, as I have proved, no reaſon why it ſhould be thought to extend to life and death, at any time, over their children, more than over any body elſe; neither can there be any pretence why this *parental power* ſhould keep the child, when grown to a man, in ſubjection to the will of his parents, any farther than having received life and education from his parents, obliges him to reſpect, honour, gratitude, aſſiſtance and ſupport, all his life, to both father and mother. And thus, 'tis true, the *paternal* is a natural *government*, but not at all extending itſelf to the ends and juriſdictions of that which is political. The *power of the father doth not reach* at all to the *property* of the child, which is only in his own diſpoſing.

§. 171. *Secondly*, *Political power* is that power, which every man having in the ſtate of nature, has given up into the hands of the ſociety, and therein to the governors, whom the ſociety hath ſet over itſelf, with this expreſs or tacit truſt, that it ſhall be employed for their good, and the preſervation of their property: now this *power*, which every man has *in the ſtate of nature*, and which he parts with to the ſociety in all ſuch caſes where the ſociety can ſecure him, is to uſe ſuch means, for the preſerving of his own pro-

perty, as he thinks good, and nature allows him; and to puniſh the breach of the law of nature in others, ſo as (according to the beſt of his reaſon) may moſt conduce to the preſervation of himſelf, and the reſt of mankind. So that the *end and meaſure of this power*, when in every man's hands in the ſtate of nature, being the preſervation of all of his ſociety, that is, all mankind in general, it can have no other *end or meaſure*, when in the hands of the magiſtrate, but to preſerve the members of that ſociety in their lives, liberties, and poſſeſſions; and ſo cannot be an abſolute, arbitrary power over their lives and fortunes, which are as much as poſſible to be preſerved; but a *power to make laws*, and annex ſuch *penalties* to them, as may tend to the preſervation of the whole, by cutting off thoſe parts, and thoſe only, which are ſo corrupt, that they threaten the ſound and healthy, without which no ſeverity is lawful. And this *power has its original only from compact* and agreement, and the mutual conſent of thoſe who make up the community.

§. 172. *Thirdly, Deſpotical power* is an abſolute, arbitrary power one man has over another, to take away his life, whenever he pleaſes. This is a power, which neither nature gives, for it has made no ſuch diſtinction between one man and another; nor compact can convey: for man not having ſuch an arbitrary power over his own life, cannot give another man ſuch a power over it; but it is the

the *effect only of forfeiture*, which the aggreſſor makes of his own life, when he puts himſelf into the ſtate of war with another: for having quitted reaſon, which God hath given to be the rule betwixt man and man, and the common bond whereby human kind is united into one fellowſhip and ſociety; and having renounced the way of peace which that teaches, and made uſe of the force of war, to compaſs his unjuſt ends upon another, where he has no right; and ſo revolting from his own kind to that of beaſts, by making force, which is their's, to be his rule of right, he renders himſelf liable to be deſtroyed by the injured perſon, and the reſt of mankind, that will join with him in the execution of juſtice, as any other wild beaſt, or noxious brute, with whom mankind can have neither ſociety nor ſecurity*. And thus *captives*, taken in a juſt and lawful war, and ſuch only, are *ſubject to a deſpotical power*, which, as it ariſes not from compact, ſo neither is it capable of any, but is the ſtate of war continued: for what compact can be made with a man that is not maſter of his own life? what condition can he perform? and if he be once allowed to be maſter of his own life, the *deſpotical, arbitrary power* of his maſter ceaſes. He that is maſter of himſelf, and his own life, has a right too to the means of preſerving it; ſo that *as ſoon as compact*

* Another copy corrected by Mr. Locke, has it thus, *Noxious brute that is deſtructive to their being.*

compact enters, ſlavery ceaſes, and he ſo far quits his abſolute power, and puts an end to the ſtate of war, who enters into conditions with his captive.

§. 173. *Nature gives* the firſt of theſe, *viz. paternal power to parents* for the benefit of their children during their minority, to ſupply their want of ability, and underſtanding how to manage their property. (By *property* I muſt be underſtood here, as in other places, to mean that property which men have in their perſons as well as goods.) *Voluntary agreement gives* the ſecond, *viz. political power to governors* for the benefit of their ſubjects, to ſecure them in the poſſeſſion and uſe of their properties. And *forfeiture gives* the third *deſpotical power to lords* for their own benefit, over thoſe who are ſtripped of all property.

§. 174. He, that ſhall conſider the diſtinct riſe and extent, and the different ends of theſe ſeveral powers, will plainly ſee, that *paternal power* comes as far ſhort of that of the *magiſtrate*, as *deſpotical* exceeds it; and that *abſolute dominion*, however placed, is ſo far from being one kind of civil ſociety, that it is as inconſiſtent with it, as ſlavery is with property. *Paternal power* is only where minority makes the child incapable to manage his property; *political*, where men have property in their own diſpoſal; and *deſpotical*, over ſuch as have no property at all.

CHAP.

CHAP. XVI.
Of CONQUEST.

§. 175. THough governments can originally have no other rise than that before mentioned, nor *polities* be *founded on* any thing but *the consent of the people*; yet such have been the disorders ambition has filled the world with, that in the noise of war, which makes so great a part of the history of mankind, *this consent* is little taken notice of: and therefore many have mistaken the force of arms for the consent of the people, and reckon conquest as one of the originals of government. But *conquest* is as far from setting up any government, as demolishing an house is from building a new one in the place. Indeed, it often makes way for a new frame of a common-wealth, by destroying the former; but, without the consent of the people, can never erect a new one.

§. 176. That the *aggressor*, who puts himself into the state of war with another, and *unjustly invades* another man's right, *can*, by such an unjust war, *never* come to *have a right over the conquered*, will be easily agreed by all men, who will not think, that robbers and pyrates have a right of empire over whomsoever they have force enough to master; or that men are bound by promises,

which unlawful force extorts from them. Should a robber break into my houſe, and with a dagger at my throat make me ſeal deeds to convey my eſtate to him, would this give him any title? Juſt ſuch a title, by his ſword, has an *unjuſt conqueror*, who forces me into ſubmiſſion. The injury and the crime is equal, whether committed by the wearer of a crown, or ſome petty villain. The title of the offender, and the number of his followers, make no difference in the offence, unleſs it be to aggravate it. The only difference is, great robbers puniſh little ones, to keep them in their obedience; but the great ones are rewarded with laurels and triumphs, becauſe they are too big for the weak hands of juſtice in this world, and have the power in their own poſſeſſion, which ſhould puniſh offenders. What is my remedy againſt a robber, that ſo broke into my houſe? *Appeal* to the law for juſtice. But perhaps juſtice is denied, or I am crippled and cannot ſtir, robbed and have not the means to do it. If God has taken away all means of ſeeking remedy, there is nothing left but patience. But my ſon, when able, may ſeek the relief of the law, which I am denied: he or his ſon may renew his *appeal*, till he recover his right. But the conquered, or their children, have no court, no arbitrator on earth to appeal to. Then they may *appeal*, as *Jephtha* did, *to heaven*, and repeat their

their *appeal* till they have recovered the native right of their anceſtors, which was, to have ſuch a legiſlative over them, as the majority ſhould approve, and freely acquieſce in. If it be objected, This would cauſe endleſs trouble; I anſwer, no more than juſtice does, where ſhe lies open to all that appeal to her. He that troubles his neighbour without a cauſe, is puniſhed for it by the juſtice of the court he appeals to: and he that *appeals to heaven* muſt be ſure he has right on his ſide; and a right too that is worth the trouble and coſt of the appeal, as he will anſwer at a tribunal that cannot be deceived, and will be ſure to retribute to every one according to the miſchiefs he hath created to his fellow ſubjects; that is, any part of mankind: from whence it is plain, that he that *conquers in an unjuſt war can thereby have no title to the ſubjection and obedience of the conquered.*

§. 177. But ſuppoſing victory favours the right ſide, let us conſider a *conqueror in a lawful war*, and ſee what power he gets, and over whom.

Firſt, It is plain he *gets no power by his conqueſt over thoſe that conquered with him.* They that fought on his ſide cannot ſuffer by the conqueſt, but muſt at leaſt be as much freemen as they were before. And moſt commonly they ſerve upon terms, and on condition to ſhare with their leader, and enjoy a part of the ſpoil, and other advantages

that attend the conquering ſword; or at leaſt have a part of the ſubdued country beſtowed upon them. And *the conquering people are not, I hope, to be ſlaves by conqueſt*, and wear their laurels only to ſhew they are ſacrifices to their leaders triumph. They that found abſolute monarchy upon the title of the ſword, make their heroes, who are the founders of ſuch monarchies, arrant *Draw-can-ſirs*, and forget they had any officers and ſoldiers that fought on their ſide in the battles they won, or aſſiſted them in the ſubduing, or ſhared in poſſeſſing, the countries they maſtered. We are told by ſome, that the *Engliſh* monarchy is founded in the *Norman* conqueſt, and that our princes have thereby a title to abſolute dominion: which if it were true, (as by the hiſtory it appears otherwiſe) and that *William* had a right to make war on this iſland; yet his dominion by conqueſt could reach no farther than to the *Saxons* and *Britons*, that were then inhabitants of this country. The *Normans* that came with him, and helped to conquer, and all deſcended from them, are freemen, and no ſubjects by conqueſt; let that give what dominion it will. And if I, or any body elſe, ſhall claim freedom, as derived from them, it will be very hard to prove the contrary: and it is plain, the law, that has made no diſtinction between the one and the other, intends not there

ſhould

ſhould be any difference in their freedom or privileges.

§. 178. But ſuppoſing, which ſeldom happens, that the conquerors and conquered never incorporate into one people, under the ſame laws and freedom; let us ſee next *what power a lawful conqueror has over the ſubdued:* and that I ſay is purely deſpotical. He has an abſolute power over the lives of thoſe who by an unjuſt war have forfeited them; but not over the lives or fortunes of thoſe who engaged not in the war, nor over the poſſeſſions even of thoſe who were actually engaged in it.

§. 179. *Secondly,* I ſay then the *conqueror* gets no power but only over thoſe who have actually aſſiſted, concurred, or conſented to that unjuſt force that is uſed againſt him: for the people having given to their governors no power to do an unjuſt thing, ſuch as is to make an unjuſt war, (for they never had ſuch a power in themſelves) they ought not to be charged as guilty of the violence and unjuſtice that is committed in an unjuſt war, any farther than they actually abet it; no more than they are to be thought guilty of any violence or oppreſſion their governors ſhould uſe upon the people themſelves, or any part of their fellow ſubjects, they having impowered them no more to the one than to the other. Conquerors, it is true, ſeldom trouble themſelves to make the diſtinction,

but they willingly permit the confuſion of war to ſweep all together: but yet this alters not the right; for the conquerors power over the lives of the conquered, being only becauſe they have uſed force to do, or maintain an injuſtice, he can have that power only over thoſe who have concurred in that force; all the reſt are innocent; and he has no more title over the people of that country, who have done him no injury, and ſo have made no forfeiture of their lives, than he has over any other, who, without any injuries or provocations, have lived upon fair terms with him.

§. 180. *Thirdly*, The *power a conqueror gets* over thoſe he overcomes *in a juſt war, is perfectly deſpotical:* he has an abſolute power over the lives of thoſe, who, by putting themſelves in a ſtate of war, have forfeited them; but he has not thereby a right and title to their poſſeſſions. This I doubt not, but at firſt ſight will ſeem a ſtrange doctrine, it being ſo quite contrary to the practice of the world; there being nothing more familiar in ſpeaking of the dominion of countries, than to ſay ſuch an one conquered it; as if conqueſt, without any more ado, conveyed a right of poſſeſſion. But when we conſider, that the practice of the ſtrong and powerful, how univerſal ſoever it may be, is ſeldom the rule of right, however it be one part of the ſubjection of the conquered,

not

not to argue againſt the conditions cut out to them by the conquering ſword.

§. 181. Though in all war there be uſually a complication of force and damage, and the aggreſſor ſeldom fails to harm the eſtate, when he uſes force againſt the perſons of thoſe he makes war upon; yet it is the uſe of force only that puts a man into the ſtate of war: for whether by force he begins the injury, or elſe having quietly, and by fraud, done the injury, he refuſes to make reparation, and by force maintains it, (which is the ſame thing, as at firſt to have done it by force) it is the unjuſt uſe of force that makes the war: for he that breaks open my houſe, and violently turns me out of doors; or having peaceably got in, by force keeps me out, does in effect the ſame thing; ſuppoſing we are in ſuch a ſtate, that we have no common judge on earth, whom I may appeal to, and to whom we are both obliged to ſubmit: for of ſuch I am now ſpeaking. It is the *unjuſt uſe of force* then, that *puts a man into the ſtate of war* with another; and thereby he that is guilty of it makes a forfeiture of his life: for quitting reaſon, which is the rule given between man and man, and uſing force, the way of beaſts, he becomes liable to be deſtroyed by him he uſes force againſt, as any ſavage ravenous beaſt, that is dangerous to his being.

§. 182. But becauſe the miſcarriages of the father are no faults of the children, and they may be rational and peaceable, notwithſtanding the brutiſhneſs and injuſtice of the father; the father, by his miſcarriages and violence, can forfeit but his own life, but involves not his children in his guilt or deſtruction. His goods, which nature, that willeth the preſervation of all mankind as much as is poſſible, hath made to belong to the children to keep them from periſhing, do ſtill continue to belong to his children: for ſuppoſing them not to have joined in the war, either thro' infancy, abſence, or choice, they have done nothing to forfeit them: *nor has the conqueror any right* to take them away, by the bare title of having ſubdued him that by force attempted his deſtruction; though perhaps he may have ſome right to them, to repair the damages he has ſuſtained by the war, and the defence of his own right; which how far it reaches to the poſſeſſions of the conquered, we ſhall ſee by and by. So that he that *by conqueſt has a right over a man's perſon* to deſtroy him if he pleaſes, has *not* thereby a right over *his eſtate* to poſſeſs and enjoy it: for it is the brutal force the aggreſſor has uſed, that gives his adverſary a right to take away his life, and deſtroy him if he pleaſes, as a noxious creature; but it is damage ſuſtained that alone gives him title to another man's goods: for though I

may

may kill a thief that ſets on me in the high-way, yet I may not (which ſeems leſs) take away his money, and let him go: this would be robbery on my ſide. His force, and the ſtate of war he put himſelf in, made him forfeit his life, but gave me no title to his goods. The *right* then of *conqueſt extends only to the lives* of thoſe who joined in the war, *not to their eſtates*, but only in order to make reparation for the damages received, and the charges of the war, and that too with reſervation of the right of the innocent wife and children.

§. 183. Let the *conqueror* have as much juſtice on his ſide, as could be ſuppoſed, he *has* no *right* to ſeize more than the vanquiſhed could forfeit: his life is at the victor's mercy; and his ſervice and goods he may appropriate, to make himſelf reparation; but he cannot take the goods of his wife and children; they too had a title to the goods he enjoyed, and their ſhares in the eſtate he poſſeſſed: for example, I in the ſtate of nature (and all common-wealths are in the ſtate of nature one with another) have injured another man, and refuſing to give ſatisfaction, it comes to a ſtate of war, wherein my defending by force what I had gotten unjuſtly, makes me the aggreſſor. I am conquered: my life, it is true, as forfeit, is at mercy, but not my wife's and children's. They made not the war, nor aſſiſted in it.

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I could not forfeit their lives; they were not mine to forfeit. My wife had a ſhare in my eſtate; that neither could I forfeit. And my children alſo, being born of me, had a right to be maintained out of my labour or ſubſtance. Here then is the caſe: the conqueror has a title to reparation for damages received, and the children have a title to their father's eſtate for their ſubſiſtence: for as to the wife's ſhare, whether her own labour, or compact, gave her a title to it, it is plain, her huſband could not forfeit what was her's. What muſt be done in the caſe? I anſwer; the fundamental law of nature being, that all, as much as may be, ſhould be preſerved, it follows, that if there be not enough fully to *ſatisfy* both, *viz.* for the *conqueror's loſſes*, and children's maintenance, he that hath, and to ſpare, muſt remit ſomething of his full ſatisfaction, and give way to the preſſing and preferable title of thoſe who are in danger to periſh without it.

§. 184. But ſuppoſing the *charge* and *damages of the war* are to be made up to the conqueror, to the utmoſt farthing; and that the children of the vanquiſhed, ſpoiled of all their father's goods, are to be left to ſtarve and periſh; yet the ſatisfying of what ſhall, on this ſcore, be due to the conqueror, will ſcarce give him a *title to any country he ſhall conquer*: for the damages of war can ſcarce amount to the value of any conſiderable tract

of

of land, in any part of the world, where all the land is poſſeſſed, and none lies waſte. And if I have not taken away the conqueror's land, which, being vanquiſhed, it is impoſſible I ſhould; ſcarce any other ſpoil I have done him can amount to the value of mine, ſuppoſing it equally cultivated, and of an extent any way coming near what I had over-run of his. The deſtruction of a year's product or two (for it ſeldom reaches four or five) is the utmoſt ſpoil that uſually can be done: for as to money, and ſuch riches and treaſure taken away, theſe are none of nature's goods, they have but a fantaſtical imaginary value: nature has put no ſuch upon them: they are of no more account by her ſtandard, than the wampompeke of the *Americans* to an *European* prince, or the ſilver money of *Europe* would have been formerly to an *American*. And five years product is not worth the perpetual inheritance of land, where all is poſſeſſed, and none remains waſte, to be taken up by him that is diſſeized: which will be eaſily granted, if one do but take away the imaginary value of money, the diſproportion being more than between five and five hundred; though, at the ſame time, half a year's product is more worth than the inheritance, where there being more land than the inhabitants poſſeſs and make uſe of, any one has liberty to make uſe of the waſte: but there conquerors take little

little care to poſſeſs themſelves of the *lands of the vanquiſhed*. No damage therefore, that men in the ſtate of nature (as all princes and governments are in reference to one another) ſuffer from one another, can give a conqueror power to diſpoſſeſs the poſterity of the vanquiſhed, and turn them out of that inheritance, which ought to be the poſſeſſion of them and their deſcendants to all generations. The conqueror indeed will be apt to think himſelf maſter: and it is the very condition of the ſubdued not to be able to diſpute their right. But if that be all, it gives no other title than what bare force gives to the ſtronger over the weaker: and, by this reaſon, he that is ſtrongeſt will have a right to whatever he pleaſes to ſeize on.

§. 185. Over thoſe then that joined with him in the war, and over thoſe of the ſubdued country that oppoſed him not, and the poſterity even of thoſe that did, the conqueror, even in a juſt war, hath, by his conqueſt, no *right of dominion*: they are free from any ſubjection to him, and if their former government be diſſolved, they are at liberty to begin and erect another to themſelves.

§. 186. The conqueror, it is true, uſually, by the force he has over them, compels them, with a ſword at their breaſts, to ſtoop to his conditions, and ſubmit to ſuch a government as he pleaſes to afford them; but the enquiry is, what right he has to do ſo?

If

If it be ſaid, they ſubmit by their own conſent, then this allows their own *conſent* to be *neceſſary to give the conqueror a title to rule* over them. It remains only to be conſidered, whether *promiſes extorted by force*, without right, can be thought conſent, and *how far they bind*. To which I ſhall ſay, they *bind not at all*; becauſe whatſoever another gets from me by force, I ſtill retain the right of, and he is obliged preſently to reſtore. He that forces my horſe from me, ought preſently to reſtore him, and I have ſtill a right to retake him. By the ſame reaſon, he that *forced a promiſe* from me, ought preſently to reſtore it, *i. e.* quit me of the obligation of it; or I may reſume it myſelf, *i. e.* chuſe whether I will perform it: for the law of nature laying an obligation on me only by the rules ſhe preſcribes, cannot oblige me by the violation of her rules: ſuch is the extorting any thing from me by force. Nor does it at all alter the caſe to ſay, *I gave my promiſe*, no more than it excuſes the force, and paſſes the right, when I put my hand in my pocket, and deliver my purſe myſelf to a thief, who demands it with a piſtol at my breaſt.

§. 187. From all which it follows, that the *government of a conqueror*, impoſed by force on the ſubdued, againſt whom he had no right of war, or who joined not in the war againſt

againſt him, where he had right, *has no obli-gation* upon them.

§. 188. But let us ſuppoſe, that all the men of that community, being all members of the ſame body politic, may be taken to have joined in that unjuſt war wherein they are ſubdued, and ſo their lives are at the mercy of the conqueror.

§. 189. I ſay, this concerns not their children who are in their minority: for ſince a father hath not, in himſelf, a power over the life or liberty of his child, no act of his can poſſibly forfeit it. So that the children, whatever may have happened to the fathers, are freemen, and the abſolute power of the *conqueror* reaches no farther than the perſons of the men that were ſubdued by him, and dies with them: and ſhould he govern them as ſlaves, ſubjected to his abſolute arbitrary power, he *has* no *ſuch right of dominion over their children.* He can have no power over them but by their own conſent, whatever he may drive them to ſay or do; and he has no lawfull authority, whilſt force, and not choice, compels them to ſubmiſſion.

§. 190. Every man is born with a double right: *firſt*, a *right of freedom to his perſon*, which no other man has a power over, but the free diſpoſal of it lies in himſelf. *Secondly*, a *right*, before any other man, *to inherit* with his brethren his *father's goods.*

§. 191.

§. 191. By the firſt of theſe, a man is *naturally free* from ſubjection to any government, tho' he be born in a place under its juriſdiction; but if he diſclaim the lawful government of the country he was born in, he muſt alſo quit the right that belonged to him by the laws of it, and the poſſeſſions there deſcending to him from his anceſtors, if it were a government made by their conſent.

§. 192. By the ſecond, the *inhabitants* of any country, who are deſcended, and derive a title to their eſtates from thoſe who are ſubdued, and had a government forced upon them againſt their free conſents, *retain a right to the poſſeſſion of their anceſtors*, though they conſent not freely to the government, whoſe hard conditions were by force impoſed on the poſſeſſors of that country: for the firſt *conqueror never having had a title to the land* of that country, the people who are the deſcendants of, or claim under thoſe who were forced to ſubmit to the yoke of a government by conſtraint, have always a right to ſhake it off, and free themſelves from the uſurpation or tyranny which the ſword hath brought in upon them, till their rulers put them under ſuch a frame of government as they willingly and of choice conſent to. Who doubts but the Grecian chriſtians, deſcendants of the ancient poſſeſſors of that country, may juſtly caſt off the Turkiſh

yoke

yoke, which they have ſo long groaned under, whenever they have an opportunity to do it? For no government can have a right to obedience from a people who have not freely conſented to it; which they can never be ſuppoſed to do, till either they are put in a full ſtate of liberty to chuſe their government and governors, or at leaſt till they have ſuch ſtanding laws, to which they have by themſelves or their repreſentatives given their free conſent, and alſo till they are allowed their due property, which is ſo to be proprietors of what they have, that no body can take away any part of it without their own conſent, without which, men under any government are not in the ſtate of freemen, but are direct ſlaves under the force of war.

§. 193. But granting that the *conqueror* in a juſt war has a right to the eſtates, as well as power over the perſons, of the conquered; which, it is plain, he *hath* not: nothing of *abſolute power* will follow from hence, in the continuance of the government; becauſe the deſcendants of theſe being all freemen, if he grants them eſtates and poſſeſſions to inhabit his country, (without which it would be worth nothing) whatſoever he grants them, they have, ſo far as it is granted, *property* in. The nature whereof is, that *without a man's own conſent* it *cannot be taken from him.*

§. 194.

§. 194. Their *perſons* are *free* by a native right, and their *properties*, be they more or leſs, are *their own, and at their own diſpoſe*, and not at his; or elſe it is no *property*. Suppoſing the conqueror gives to one man a thouſand acres, to him and his heirs for ever; to another he lets a thouſand acres for his life, under the rent of 50l. or 500l. *per ann.* has not the one of theſe a right to his thouſand acres for ever, and the other, during his life, paying the ſaid rent? and hath not the tenant for life a *property* in all that he gets over and above his rent, by his labour and induſtry during the ſaid term, ſuppoſing it be double the rent? Can any one ſay, the king, or conqueror, after his grant, may by his power of conqueror take away all, or part of the land from the heirs of one, or from the other during his life, he paying the rent? or can he take away from either the goods or money they have got upon the ſaid land, at his pleaſure? If he can, then all free and voluntary *contracts* ceaſe, and are void in the world; there needs nothing to diſſolve them at any time, but power enough: and all the *grants* and *promiſes* of *men in power* are but mockery and colluſion: for can there be any thing more ridiculous than to ſay, I give you and your's this for ever, and that in the ſureſt and moſt ſolemn way of conveyance can be deviſed; and yet it is to be underſtood, that I have

right, if I pleaſe, to take it away from you again to morrow?

§. 195. I will not diſpute now whether princes are exempt from the laws of their country; but this I am ſure, they owe ſubjection to the laws of God and nature. No body, no power, can exempt them from the obligations of that eternal law. Thoſe are ſo great, and ſo ſtrong, in the caſe of *promiſes*, that omnipotency itſelf can be tied by them. *Grants*, *promiſes*, and *oaths*, are *bonds* that *hold the Almighty*: whatever ſome flatterers ſay to princes of the world, who all together, with all their people joined to them, are, in compariſon of the great God, but as a drop of the bucket, or a duſt on the balance, inconſiderable, nothing!

§. 196. The ſhort of the *caſe in conqueſt* is this: the conqueror, if he have a juſt cauſe, has a deſpotical right over the perſons of all, that actually aided, and concurred in the war againſt him, and a right to make up his damage and coſt out of their labour and eſtates, ſo he injure not the right of any other. Over the reſt of the people, if there were any that conſented not to the war, and over the children of the captives themſelves, or the poſſeſſions of either, he has no power; and ſo can have, *by virtue of conqueſt*, *no lawful title* himſelf *to dominion* over them, or derive it to his poſterity; but is an aggreſſor, if he attempts upon their properties, and thereby

thereby puts himſelf in a ſtate of war againſt them, and has no better a right of principality, he, nor any of his ſucceſſors, than *Hingar*, or *Hubba*, the Danes, had here in *England*; or *Spartacus*, had he conquered *Italy*, would have had; which is to have their yoke caſt off, as ſoon as God ſhall give thoſe under their ſubjection courage and opportunity to do it. Thus, notwithſtanding whatever title the kings of *Aſſyria* had over *Judah*, by the ſword, God aſſiſted *Hezekiah* to throw off the dominion of that conquering empire. *And the lord was with Hezekiah, and he proſpered; wherefore he went forth, and he rebelled againſt the king of Aſſyria, and ſerved him not*, 2 Kings xviii. 7. Whence it is plain, that ſhaking off a power, which force, and not right, hath ſet over any one, though it hath the name of *rebellion*, yet is no offence before God, but is that which he allows and countenances, though even promiſes and covenants, when obtained by force, have intervened: for it is very probable, to any one that reads the ſtory of *Ahaz* and *Hezekiah* attentively, that the *Aſſyrians* ſubdued *Ahaz*, and depoſed him, and made *Hezekiah* king in his father's lifetime; and that *Hezekiah* by agreement had done him homage, and paid him tribute all this time.

CHAP. XVII.
Of USURPATION.

§. 197. AS conqueſt may be called a foreign uſurpation, ſo uſurpation is a kind of domeſtic conqueſt, with this difference, that an uſurper can never have right on his ſide, it being no *uſurpation*, but where one is got into the *poſſeſſion of what another has right to*. This, ſo far as it is *uſurpation*, is a change only of perſons, but not of the forms and rules of the government: for if the uſurper extend his power beyond what of right belonged to the lawful princes, or governors of the commonwealth, it is *tyranny* added to *uſurpation*.

§. 198. In all lawful governments, the deſignation of the perſons, who are to bear rule, is as natural and neceſſary a part as the form of the government itſelf, and is that which had its eſtabliſhment originally from the people; the anarchy being much alike, to have no form of government at all; or to agree, that it ſhall be monarchical, but to appoint no way to deſign the perſon that ſhall have the power, and be the monarch. Hence all commonwealths, with the form of government eſtabliſhed, have rules alſo of appointing thoſe who are to have any ſhare in the public authority, and ſettled methods of conveying the right to them: for

for the anarchy is much alike, to have no form of government at all; or to agree that it ſhall be monarchical, but to appoint no way to know or deſign the perſon that ſhall have the power, and be the monarch. Whoever gets into the exerciſe of any part of the power, by other ways than what the laws of the community have preſcribed, hath no right to be obeyed, though the form of the commonwealth be ſtill preſerved; ſince he is not the perſon the laws have appointed, and conſequently not the perſon the people have conſented to. Nor can ſuch an *uſurper*, or any deriving from him, ever have a title, till the people are both at liberty to conſent, and have actually conſented to allow, and confirm in him the power he hath till then uſurped.

CHAP. XVIII.

Of TYRANNY.

§. 199. AS uſurpation is the exerciſe of power, which another hath a right to; ſo *tyranny is the exerciſe of power beyond right*, which no body can have a right to. And this is making uſe of the power any one has in his hands, not for the good of thoſe who are under it, but for his own private ſeparate advantage. When the governor, however intitled, makes not the law, but his will, the rule; and his com-

mands and actions are not directed to the preſervation of the properties of his people, but the ſatisfaction of his own ambition, revenge, covetouſneſs, or any other irregular paſſion.

§. 200. If one can doubt this to be truth, or reaſon, becauſe it comes from the obſcure hand of a ſubject, I hope the authority of a king will make it paſs with him. King *James* the firſt, in his ſpeech to the parliament, 1603, tells them thus, *I will ever prefer the weal of the public, and of the whole commonwealth, in making of good laws and conſtitutions, to any particular and private ends of mine; thinking ever the wealth and weal of the commonwealth to be my greateſt weal and worldly felicity; a point wherein a lawful king doth directly differ from a tyrant: for I do acknowledge, that the ſpecial and greateſt point of difference that is between a rightful king and an uſurping tyrant, is this, that whereas the proud and ambitious tyrant doth think his kingdom and people are only ordained for ſatisfaction of his deſires and unreaſonable appetites, the righteous and juſt king doth by the contrary acknowledge himſelf to be ordained for the procuring of the wealth and property of his people.* And again, in his ſpeech to the parliament, 1609, he hath theſe words, *The king binds himſelf by a double oath, to the obſervation of the fundamental laws of his kingdom; tacitly, as by being a king, and ſo bound to protect as well*

well the people, as the laws of his kingdom; and expreſly, by his oath at his coronation; ſo as every juſt king, in a ſettled kingdom, is bound to obſerve that paction made to his people, by his laws, in framing his government agreeable thereunto, according to that paction which God made with Noah *after the deluge. Here-after, ſeed-time and harveſt, and cold and heat, and ſummer and winter, and day and night, ſhall not ceaſe while the earth remaineth. And therefore a king governing in a ſettled kingdom, leaves to be a king, and degenerates into a tyrant, as ſoon as he leaves off to rule according to his laws.* And a little after, *Therefore all kings that are not tyrants, or perjured, will be glad to bound themſelves within the limits of their laws; and they that perſuade them the contrary, are vipers, and peſts both againſt them and the commonwealth.* Thus that learned king, who well underſtood the notion of things, makes the difference betwixt a *king* and a *tyrant* to conſiſt only in this, that one makes the laws the bounds of his power, and the good of the public, the end of his government; the other makes all give way to his own will and appetite.

§. 201. It is a miſtake, to think this fault is proper only to monarchies; other forms of government are liable to it, as well as that: for wherever the power, that is put in any hands for the government of the people, and the preſervation of their pro-

perties, is applied to other ends, and made uſe of to impoveriſh, haraſs, or ſubdue them to the arbitrary and irregular commands of thoſe that have it; there it preſently becomes *tyranny*, whether thoſe that thus uſe it are one or many. Thus we read of the thirty tyrants at *Athens*, as well as one at *Syracuſe*; and the intolerable dominion of the *Decemviri* at *Rome* was nothing better.

§. 202. *Where-ever law ends, tyranny begins*, if the law be tranſgreſſed to another's harm; and whoſoever in authority exceeds the power given him by the law, and makes uſe of the force he has under his command, to compaſs that upon the ſubject, which the law allows not, ceaſes in that to be a magiſtrate; and, acting without authority, may be oppoſed, as any other man, who by force invades the right of another. This is acknowledged in ſubordinate magiſtrates. He that hath authority to ſeize my perſon in the ſtreet, may be oppoſed as a thief and a robber, if he endeavours to break into my houſe to execute a writ, notwithſtanding that I know he has ſuch a warrant, and ſuch a legal authority, as will impower him to arreſt me abroad. And why this ſhould not hold in the higheſt, as well as in the moſt inferior magiſtrate, I would gladly be informed. Is it reaſonable, that the eldeſt brother, becauſe he has the greateſt part of his father's eſtate, ſhould thereby have

have a right to take away any of his younger brothers portions? or that a rich man, who poſſeſſed a whole country, ſhould from thence have a right to ſeize, when he pleaſed, the cottage and garden of his poor neighbour? The being rightfully poſſeſſed of great power and riches, exceedingly beyond the greateſt part of the ſons of *Adam*, is ſo far from being an excuſe, much leſs a reaſon, for rapine and oppreſſion, which the endamaging another without authority is, that it is a great aggravation of it: for the exceeding the bounds of authority is no more a right in a great, than in a petty officer; no more juſtifiable in a king than a conſtable; but is ſo much the worſe in him, in that he has more truſt put in him, has already a much greater ſhare than the reſt of his brethren, and is ſuppoſed, from the advantages of his education, employment, and counſellors, to be more knowing in the meaſures of right and wrong.

§. 203. May the *commands* then *of a prince be oppoſed?* may he be reſiſted as often as any one ſhall find himſelf aggrieved, and but imagine he has not right done him? This will unhinge and overturn all polities, and, inſtead of government and order, leave nothing but anarchy and confuſion.

§. 204. To this I anſwer, that *force* is to be *oppoſed* to nothing, but to unjuſt and unlawful *force*; whoever makes any oppoſition in

in any other caſe, draws on himſelf a juſt condemnation both from God and man; and ſo no ſuch danger or confuſion will follow, as is often ſuggeſted: for,

§. 205. *Firſt*, As, in ſome countries, the perſon of the prince by the law is ſacred; and ſo, whatever he commands or does, his perſon is ſtill free from all queſtion or violence, not liable to force, or any judicial cenſure or condemnation. But yet oppoſition may be made to the illegal acts of any inferior officer, or other commiſſioned by him; unleſs he will, by actually putting himſelf into a ſtate of war with his people, diſſolve the government, and leave them to that defence which belongs to every one in the ſtate of nature: for of ſuch things who can tell what the end will be? and a neighbour kingdom has ſhewed the world an odd example. In all other caſes the *ſacredneſs* of the *perſon exempts him from all inconveniencies*, whereby he is ſecure, whilſt the government ſtands, from all violence and harm whatſoever; than which there cannot be a wiſer conſtitution: for the harm he can do in his own perſon not being likely to happen often, nor to extend itſelf far; nor being able by his ſingle ſtrength to ſubvert the laws, nor oppreſs the body of the people, ſhould any prince have ſo much weakneſs, and ill nature as to be willing to do it, the inconveniency of ſome particular miſchiefs, that may happen ſometimes, when

a heady prince comes to the throne, are well recompenſed by the peace of the public, and ſecurity of the government, in the perſon of the chief magiſtrate, thus ſet out of the reach of danger: it being ſafer for the body, that ſome few private men ſhould be ſometimes in danger to ſuffer, than that the head of the republic ſhould be eaſily, and upon ſlight occaſions, expoſed.

§. 206. *Secondly*, But this privilege, belonging only to the king's perſon, hinders not, but they may be queſtioned, oppoſed, and reſiſted, who uſe unjuſt force, though they pretend a commiſſion from him, which the law authorizes not; as is plain in the caſe of him that has the king's writ to arreſt a man, which is a full commiſſion from the king; and yet he that has it cannot break open a man's houſe to do it, nor execute this command of the king upon certain days, nor in certain places, though this commiſſion have no ſuch exception in it; but they are the limitations of the law, which if any one tranſgreſs, the king's commiſſion excuſes him not: for the king's authority being given him only by the law, he cannot impower any one to act againſt the law, or juſtify him, by his commiſſion, in ſo doing; the *commiſſion*, or *command of any magiſtrate, where he has no authority*, being as *void* and inſignificant, as that of any private man; the difference between the one and the other,

being that the magiſtrate has ſome authority ſo far, and to ſuch ends, and the private man has none at all: for it is not the *commiſſion*, but the *authority*, that gives the right of acting; and *againſt the laws there can be no authority*. But, notwithſtanding ſuch reſiſtance, the king's perſon and authority are ſtill both ſecured, and ſo *no danger to governor or government*.

§. 207. *Thirdly*, Suppoſing a government wherein the perſon of the chief magiſtrate is not thus ſacred; yet this *doctrine* of the lawfulneſs of *reſiſting* all unlawful exerciſes of his power, *will not* upon every ſlight occaſion indanger him, or *imbroil the government*: for where the injured party may be relieved, and his damages repaired by appeal to the law, there can be no pretence for force, which is only to be uſed where a man is intercepted from appealing to the law: for nothing is to be accounted hoſtile force, but where it leaves not the remedy of ſuch an appeal; and it is ſuch *force* alone, that *puts* him that uſes it *into a ſtate of war*, and makes it lawful to reſiſt him. A man with a ſword in his hand demands my purſe in the high-way, when perhaps I have not twelve pence in my pocket: this man I may lawfully kill. To another I deliver 100 l. to hold only whilſt I alight, which he refuſes to reſtore me, when I am got up again, but draws his ſword to defend the poſſeſſion of it by

by force, if I endeavour to retake it. The miſchief this man does me is a hundred, or poſſibly a thouſand times more than the other perhaps intended me (whom I killed before he really did me any); and yet I might lawfully kill the one, and cannot ſo much as hurt the other lawfully. The reaſon whereof is plain; becauſe the one uſing *force*, which threatened my life, I could not have *time to appeal* to the law to ſecure it; and when it was gone, it was too late to appeal. The law could not reſtore life to my dead carcaſs: the loſs was irreparable; which to prevent, the law of nature gave me a right to *deſtroy* him, who had put himſelf into a ſtate of war with me, and threatened my deſtruction. But in the other caſe, my life not being in danger, I may have the *benefit of appealing* to the law, and have reparation for my 100 l. that way.

§. 208. *Fourthly*, But if the unlawful acts done by the magiſtrate be maintained (by the power he has got), and the remedy which is due by law, be by the ſame power obſtructed; yet the *right of reſiſting*, even in ſuch manifeſt acts of tyranny, *will not* ſuddenly, or on ſlight occaſions, *diſturb the government*: for if it reach no farther than ſome private men's caſes, though they have a right to defend themſelves, and to recover by force what by unlawful force is taken from them; yet the right to do ſo will not eaſily engage them

them in a conteſt, wherein they are ſure to periſh; it being as impoſſible for one, or a few oppreſſed men to *diſturb the government*, where the body of the people do not think themſelves concerned in it, as for a raving mad-man, or heady mal-content to overturn a well-ſettled ſtate; the people being as little apt to follow the one, as the other.

§. 209. But if either theſe illegal acts have extended to the majority of the people; or if the miſchief and oppreſſion has lighted only on ſome few, but in ſuch caſes, as the precedent, and conſequences ſeem to threaten all; and they are perſuaded in their conſciences, that their laws, and with them their eſtates, liberties, and lives are in danger, and perhaps their religion too; how they will be hindered from reſiſting illegal force, uſed againſt them, I cannot tell. This is an *inconvenience*, I confeſs, *that attends all governments* whatſoever, when the governors have brought it to this paſs, to be generally ſuſpected of their people; the moſt dangerous ſtate which they can poſſibly put themſelves in; wherein they are the leſs to be pitied, becauſe it is ſo eaſy to be avoided; it being as impoſſible for a governor, if he really means the good of his people, and the preſervation of them, and their laws together, not to make them ſee and feel it, as it is for the father of a family, not to let his children ſee he loves, and takes care of them.

§. 210.

§. 210. But if all the world ſhall obſerve pretences of one kind, and actions of another; arts uſed to elude the law, and the truſt of prerogative (which is an arbitrary power in ſome things left in the prince's hand to do good, not harm to the people) employed contrary to the end for which it was given: if the people ſhall find the miniſters and ſubordinate magiſtrates choſen ſuitable to ſuch ends, and favoured, or laid by, proportionably as they promote or oppoſe them: if they ſee ſeveral experiments made of arbitrary power, and that religion underhand favoured, (tho' publicly proclaimed againſt) which is readieſt to introduce it; and the operators in it ſupported, as much as may be; and when that cannot be done, yet approved ſtill, and liked the better: if a *long train of actions ſhew the councils* all tending that way; how can a man any more hinder himſelf from being perſuaded in his own mind, which way things are going; or from caſting about how to ſave himſelf, than he could from believing the captain of the ſhip he was in, was carrying him, and the reſt of the company, to *Algiers*, when he found him always ſteering that courſe, though croſs winds, leaks in his ſhip, and want of men and proviſions did often force him to turn his courſe another way for ſome time, which he ſteadily returned to again, as ſoon as the wind, weather, and other circumſtances would let him?

CHAP.

CHAP. XIX.

Of the Diſſolution of Government.

§. 211. HE that will with any clearneſs ſpeak of the *diſſolution of government*, ought in the firſt place to diſtinguiſh between the *diſſolution of the ſociety* and the *diſſolution of the government*. That which makes the community, and brings men out of the looſe ſtate of nature, into *one politic ſociety*, is the agreement which every one has with the reſt to incorporate, and act as one body, and ſo be one diſtinct common-wealth. The uſual, and almoſt only way whereby *this union is diſſolved*, is the inroad of foreign force making a conqueſt upon them: for in that caſe, (not being able to maintain and ſupport themſelves, as *one intire* and *independent body*) the union belonging to that body which conſiſted therein, muſt neceſſarily ceaſe, and ſo every one return to the ſtate he was in before, with a liberty to ſhift for himſelf, and provide for his own ſafety, as he thinks fit, in ſome other ſociety. Whenever the *ſociety is diſſolved*, it is certain the government of that ſociety cannot remain. Thus conquerors ſwords often cut up governments by the roots, and mangle ſocieties to pieces, ſeparating the ſubdued or ſcattered multitude from the protection of, and dependence on, that ſociety which ought to have

have preſerved them from violence. The world is too well inſtructed in, and too forward to allow of, this way of diſſolving of governments, to need any more to be ſaid of it; and there wants not much argument to prove, that where the *ſociety is diſſolved*, the government cannot remain; that being as impoſſible, as for the frame of an houſe to ſubſiſt when the materials of it are ſcattered and diſſipated by a whirl-wind, or jumbled into a confuſed heap by an earthquake.

§. 212. Beſides this over-turning from without, *governments are diſſolved from within*,

Firſt, When the *legiſlative* is *altered*. Civil ſociety being a ſtate of peace, amongſt thoſe who are of it, from whom the ſtate of war is excluded by the umpirage, which they have provided in their legiſlative, for the ending all differences that may ariſe amongſt any of them, it is in their *legiſlative*, that the members of a common-wealth are united, and combined together into one coherent living body. This *is the ſoul that gives form, life, and unity*, to the common-wealth: from hence the ſeveral members have their mutual influence, ſympathy, and connexion: and therefore, when the *legiſlative* is broken, or *diſſolved*, diſſolution and death follows: for the *eſſence and union of the ſociety* conſiſting in having one will, the legiſlative, when once eſtabliſhed by the majority, has the declaring, and as it were keeping of that will. The

conſtitution of the legiſlative is the firſt and fundamental act of ſociety, whereby proviſion is made for the *continuation of their union*, under the direction of perſons, and bonds of laws, made by perſons authorized thereunto, by the conſent and appointment of the people, without which no one man, or number of men, amongſt them, can have authority of making laws that ſhall be binding to the reſt. When any one, or more, ſhall take upon them to make laws, whom the people have not appointed ſo to do, they make laws without authority, which the people are not therefore bound to obey; by which means they come again to be out of ſubjection, and may conſtitute to themſelves a *new legiſlative*, as they think beſt, being in full liberty to reſiſt the force of thoſe, who without authority would impoſe any thing upon them. Every one is at the diſpoſure of his own will, when thoſe who had, by the delegation of the ſociety, the declaring of the public will, are excluded from it, and others uſurp the place, who have no ſuch authority or delegation.

§. 213. This being uſually brought about by ſuch in the common-wealth who miſuſe the power they have; it is hard to conſider it aright, and know at whoſe door to lay it, without knowing the form of government in which it happens. Let us ſuppoſe then the legiſlative placed in the concurrence of three diſtinct perſons.

1. A ſingle hereditary perſon, having the conſtant, ſupreme, executive power, and with it the power of convoking and diſſolving the other two within certain periods of time.

2. An aſſembly of hereditary nobility.

3. An aſſembly of repreſentatives choſen, *pro tempore*, by the people. Such a form of government ſuppoſed, it is evident,

§. 214. *Firſt*, That when ſuch a ſingle perſon, or prince, ſets up his own arbitrary will in place of the laws, which are the will of the ſociety, declared by the legiſlative, then the *legiſlative is changed*: for that being in effect the legiſlative, whoſe rules and laws are put in execution, and required to be obeyed; when other laws are ſet up, and other rules pretended, and inforced, than what the legiſlative, conſtituted by the ſociety, have enacted, it is plain that the *legiſlative is changed*. Whoever introduces new laws, not being thereunto authorized by the fundamental appointment of the ſociety, or ſubverts the old, diſowns and overturns the power by which they were made, and ſo ſets up a *new legiſlative*.

§. 215. *Secondly*, When the prince hinders the legiſlative from aſſembling in its due time, or from acting freely, purſuant to thoſe ends for which it was conſtituted, the *legiſlative is altered*: for it is not a certain number of men, no, nor their meeting, unleſs they have alſo freedom of debating, and leiſure

of perfecting, what is for the good of the ſociety, wherein the legiſlative conſiſts: when theſe are taken away or altered, ſo as to deprive the ſociety of the due exerciſe of their power, the *legiſlative* is truly altered; for it is not names that conſtitute governments, but the uſe and exerciſe of thoſe powers that were intended to accompany them; ſo that he, who takes away the freedom, or hinders the acting of the legiſlative in its due ſeaſons, in effect takes *away the legiſlative*, and *puts an end to the government*.

§. 216. *Thirdly*, When, by the arbitrary power of the prince, the electors, or ways of election, are altered, without the conſent, and contrary to the common intereſt of the people, there alſo the *legiſlative is altered*: for, if others than thoſe whom the ſociety hath authorized thereunto, do chuſe, or in another way than what the ſociety hath preſcribed, thoſe choſen are not the legiſlative appointed by the people.

§. 217. *Fourthly*, The delivery alſo of the people into the ſubjection of a foreign power, either by the prince, or by the legiſlative, is certainly a *change of the legiſlative*, and ſo a *diſſolution of the government*: for the end why people entered into ſociety being to be preſerved one intire, free, independent ſociety, to be governed by its own laws; this is loſt, whenever they are given up into the power of another.

§. 218.

§. 218. Why, in such a constitution as this, the *dissolution of the government* in these cases is to be imputed to the prince, is evident; because he, having the force, treasure and offices of the state to employ, and often persuading himself, or being flattered by others, that as supreme magistrate he is uncapable of controul; he alone is in a condition to make great advances toward such changes, under pretence of lawful authority, and has it in his hands to terrify or suppress opposers, as factious, seditious, and enemies to the government: whereas no other part of the legislative, or people, is capable by themselves to attempt any alteration of the legislative, without open and visible rebellion, apt enough to be taken notice of, which, when it prevails, produces effects very little different from foreign conquest. Besides, the prince in such a form of government, having the power of dissolving the other parts of the legislative, and thereby rendering them private persons, they can never in opposition to him, or without his concurrence, alter the legislative by a law, his consent being necessary to give any of their decrees that sanction. But yet, so far as the other parts of the legislative any way contribute to any attempt upon the government, and do either promote, or not, what lies in them, hinder such designs, they are guilty, and partake in this,

which is certainly the greateſt crime men can be guilty of one towards another.

§. 219. There is one way more whereby ſuch a government may be diſſolved, and that is, when he who has the ſupreme executive power, neglects and abandons that charge, ſo that the laws already made can no longer be put in execution. This is demonſtratively to reduce all to anarchy, and ſo effectually *to diſſolve the government*: for laws not being made for themſelves, but to be, by their execution, the bonds of the ſociety, to keep every part of the body politic in its due place and function; when that totally ceaſes, the *government* viſibly *ceaſes*, and the people become a confuſed multitude, without order or connexion. Where there is no longer the adminiſtration of juſtice, for the ſecuring of men's rights, nor any remaining power within the community to direct the force, or provide for the neceſſities of the public, there certainly is *no government left*. Where the laws cannot be executed, it is all one as if there were no laws; and a government without laws is, I ſuppoſe, a myſtery in politics, unconceivable to human capacity, and inconſiſtent with human ſociety.

§. 220. In theſe and the like caſes, *when the government is diſſolved*, the people are at liberty to provide for themſelves, by erecting a new legiſlative, differing from the other, by the change of perſons, or form, or both,

as

as they ſhall find it moſt for their ſafety and good: for the *ſociety* can never, by the fault of another, loſe the native and original right it has to preſerve itſelf, which can only be done by a ſettled legiſlative, and a fair and impartial execution of the laws made by it. But the ſtate of mankind is not ſo miſerable that they are not capable of uſing this remedy, till it be too late to look for any. To tell *people* they *may provide for themſelves*, by erecting a new legiſlative, when by oppreſſion, artifice, or being delivered over to a foreign power, their old one is gone, is only to tell them, they may expect relief when it is too late, and the evil is paſt cure. This is in effect no more than to bid them firſt be ſlaves, and then to take care of their liberty; and when their chains are on, tell them, they may act like freemen. This, if barely ſo, is rather mockery than relief; and men can never be ſecure from tyranny, if there be no means to eſcape it till they are perfectly under it: and therefore it is, that they have not only a right to get out of it, but to prevent it.

§. 221. There is therefore, ſecondly, another way whereby *governments are diſſolved*, and that is, when the legiſlative, or the prince, either of them, act contrary to their truſt.

Firſt, The *legiſlative acts againſt the truſt* repoſed in them, when they endeavour to invade the property of the ſubject, and to

make themſelves, or any part of the community, maſters, or arbitrary diſpoſers of the lives, liberties, or fortunes of the people.

§. 222. The reaſon why men enter into ſociety, is the preſervation of their property; and the end why they chuſe and authorize a legiſlative, is, that there may be laws made, and rules ſet, as guards and fences to the properties of all the members of the ſociety, to limit the power, and moderate the dominion, of every part and member of the ſociety: for ſince it can never be ſuppoſed to be the will of the ſociety, that the legiſlative ſhould have a power to deſtroy that which every one deſigns to ſecure, by entering into ſociety, and for which the people ſubmitted themſelves to legiſlators of their own making; whenever the *legiſlators endeavour to take away, and deſtroy the property of the people*, or to reduce them to ſlavery under arbitrary power, they put themſelves into a ſtate of war with the people, who are thereupon abſolved from any farther obedience, and are left to the common refuge, which God hath provided for all men, againſt force and violence. Whenſoever therefore the *legiſlative* ſhall tranſgreſs this fundamental rule of ſociety; and either by ambition, fear, folly or corruption, *endeavour to graſp* themſelves, *or put into the hands of any other, an abſolute power* over the lives, liberties, and eſtates of the people; by this breach of truſt they *forfeit*

the

the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to reſume their original liberty, and, by the eſtabliſhment of a new legiſlative, (ſuch as they ſhall think fit) provide for their own ſafety and ſecurity, which is the end for which they are in ſociety. What I have ſaid here, concerning the legiſlative in general, holds true alſo concerning the ſupreme executor, who having a double truſt put in him, both to have a part in the legiſlative, and the ſupreme execution of the law, acts againſt both, when he goes about to ſet up his own arbitrary will as the law of the ſociety. He *acts* alſo *contrary to his truſt*, when he either employs the force, treaſure, and offices of the ſociety, to corrupt the *repreſentatives*, and gain them to his purpoſes; or openly pre-engages the *electors*, and preſcribes to their choice, ſuch, whom he has, by ſollicitations, threats, promiſes, or otherwiſe, won to his deſigns; and employs them to bring in ſuch, who have promiſed before-hand what to vote, and what to enact. Thus to regulate candidates and electors, and new-model the ways of election, what is it but to cut up the government by the roots, and poiſon the very fountain of public ſecurity? for the people having reſerved to themſelves the choice of their *repreſentatives*, as the fence to their properties, could do it for no other end, but

that they might always be freely choſen, and ſo choſen, freely act, and adviſe, as the neceſſity of the common-wealth, and the public good ſhould, upon examination, and mature debate, be judged to require. This, thoſe who give their votes before they hear the debate, and have weighed the reaſons on all ſides, are not capable of doing. To prepare ſuch an aſſembly as this, and endeavour to ſet up the declared abettors of his own will, for the true *repreſentatives* of the people, and the law-makers of the ſociety, is certainly as great a *breach of truſt*, and as perfect a declaration of a deſign to ſubvert the government, as is poſſible to be met with. To which, if one ſhall add rewards and puniſhments viſibly employed to the ſame end, and all the arts of perverted law made uſe of, to take off and deſtroy all that ſtand in the way of ſuch a deſign, and will not comply and conſent to betray the liberties of their country, it will be paſt doubt what is doing. What power they ought to have in the ſociety, who thus employ it contrary to the truſt went along with it in its firſt inſtitution, is eaſy to determine; and one cannot but ſee, that he, who has once attempted any ſuch thing as this, cannot any longer be truſted.

§. 223. To this perhaps it will be ſaid, that the people being ignorant, and always diſcontented, to lay the foundation of go-

vernment

vernment in the unſteady opinion and uncertain humour of the people, is to expoſe it to certain ruin; and *no government will be able long to ſubſiſt*, if the people may ſet up a new legiſlative, whenever they take offence at the old one. To this I anſwer, Quite the contrary. People are not ſo eaſily got out of their old forms, as ſome are apt to ſuggeſt. They are hardly to be prevailed with to amend the acknowledged faults in the frame they have been accuſtomed to. And if there be any original defects, or adventitious ones introduced by time, or corruption; it is not an eaſy thing to get them changed, even when all the world ſees there is an opportunity for it. This ſlowneſs and averſion in the people to quit their old conſtitutions, has, in the many revolutions which have been ſeen in this kingdom, in this and former ages, ſtill kept us to, or, after ſome interval of fruitleſs attempts, ſtill brought us back again to our old legiſlative of king, lords and commons: and whatever provocations have made the crown be taken from ſome of our princes heads, they never carried the people ſo far as to place it in another line.

§. 224. But it will be ſaid, this *hypotheſis* lays a *ferment for* frequent *rebellion*. To which I anſwer,

Firſt, No more than any other *hypotheſis*: for when the people are made miſerable, and find themſelves *expoſed to the ill uſage of arbitrary*

bitrary power, cry up their governors, as much as you will, for ſons of *Jupiter*; let them be ſacred and divine, deſcended, or authorized from heaven; give them out for whom or what you pleaſe, the ſame will happen. *The people generally ill treated*, and contrary to right, will be ready upon any occaſion to eaſe themſelves of a burden that ſits heavy upon them. They will wiſh, and ſeek for the opportunity, which in the change, weakneſs and accidents of human affairs, ſeldom delays long to offer itſelf. He muſt have lived but a little while in the world, who has not ſeen examples of this in his time; and he muſt have read very little, who cannot produce examples of it in all ſorts of governments in the world.

§. 225. *Secondly*, I anſwer, ſuch *revolutions happen* not upon every little miſmanagement in public affairs. *Great miſtakes* in the ruling part, many wrong and inconvenient laws, and all the *ſlips* of human frailty, will be *born by the people* without mutiny or murmur. But if a long train of abuſes, prevarications and artifices, all tending the ſame way, make the deſign viſible to the people, and they cannot but feel what they lie under, and ſee whither they are going; it is not to be wondered, that they ſhould then rouze themſelves, and endeavour to put the rule into ſuch hands which may ſecure to them the ends for which government was at firſt erected; and without which, ancient names, and

ſpecious

ſpecious forms, are ſo far from being better, that they are much worſe, than the ſtate of nature, or pure anarchy; the inconveniencies being all as great and as near, but the remedy farther off and more difficult.

§. 226. *Thirdly*, I anſwer, that *this doctrine* of a power in the people of providing for their ſafety a-new, by a new legiſlative, when their legiſlators have acted contrary to their truſt, by invading their property, is *the beſt fence againſt rebellion*, and the probableſt means to hinder it: for *rebellion* being an oppoſition, not to perſons, but authority, which is founded only in the conſtitutions and laws of the government; thoſe, whoever they be, who by force break through, and by force juſtify their violation of them, are truly and properly *rebels*: for when men, by entering into ſociety and civil-government, have excluded force, and introduced laws for the preſervation of property, peace, and unity amongſt themſelves, thoſe who ſet up force again in oppoſition to the laws, do *rebellare*, that is, bring back again the ſtate of war, and are properly rebels: which they who are in power, (by the pretence they have to authority, the temptation of force they have in their hands, and the flattery of thoſe about them) being likelieſt to do; the propereſt way to prevent the evil, is to ſhew them the danger and injuſtice of it, who are under the greateſt temptation to run into it.

§. 227.

§. 227. In both the fore-mentioned caſes, when either the legiſlative is changed, or the legiſlators act contrary to the end for which they were conſtituted; thoſe who are guilty are *guilty of rebellion*: for if any one by force takes away the eſtabliſhed legiſlative of any ſociety, and the laws by them made, purſuant to their truſt, he thereby takes away the umpirage, which every one had conſented to, for a peaceable deciſion of all their controverſies, and a bar to the ſtate of war amongſt them. They, who remove, or change the legiſlative, take away this deciſive power, which no body can have, but by the appointment and conſent of the people; and ſo deſtroying the authority which the people did, and no body elſe can ſet up, and introducing a power which the people hath not authorized, they actually *introduce a ſtate of war*, which is that of force without authority: and thus, by removing the legiſlative eſtabliſhed by the ſociety, (in whoſe deciſions the people acquieſced and united, as to that of their own will) they untie the knot, and *expoſe the people a-new to the ſtate of war*. And if thoſe, who by force take away the legiſlative, are *rebels*, the *legiſlators* themſelves, as has been ſhewn, can be no leſs eſteemed ſo; when they, who were ſet up for the protection, and preſervation of the people, their liberties and properties, ſhall by force invade and endeavour to take them away; and ſo they

putting

putting themſelves into a ſtate of war with thoſe who made them the protectors and guardians of their peace, are properly, and with the greateſt aggravation, *rebellantes*, rebels.

§. 228. But if they, who ſay *it lays a foundation for rebellion*, mean that it may occaſion civil wars, or inteſtine broils, to tell the people they are abſolved from obedience when illegal attempts are made upon their liberties or properties, and may oppoſe the unlawful violence of thoſe who were their magiſtrates, when they invade their properties contrary to the truſt put in them; and that therefore this doctrine is not to be allowed, being ſo deſtructive to the peace of the world: they may as well ſay, upon the ſame ground, that honeſt men may not oppoſe robbers or pirates, becauſe this may occaſion diſorder or bloodſhed. If any *miſchief* come in ſuch caſes, it is not to be charged upon him who defends his own right, but *on him that invades* his neighbours. If the innocent honeſt man muſt quietly quit all he has, for peace ſake, to him who will lay violent hands upon it, I deſire it may be conſidered, what a kind of peace there will be in the world, which conſiſts only in violence and rapine; and which is to be maintained only for the benefit of robbers and oppreſſors. Who would not think it an admirable peace betwixt the mighty and the mean, when the lamb, without

without reſiſtance, yielded his throat to be torn by the imperious wolf? *Polyphemus*'s den gives us a perfect pattern of ſuch a peace, and ſuch a government, wherein *Ulyſſes* and his companions had nothing to do, but quietly to ſuffer themſelves to be devoured. And no doubt *Ulyſſes*, who was a prudent man, preached up *paſſive obedience*, and exhorted them to a quiet ſubmiſſion, by repreſenting to them of what concernment peace was to mankind; and by ſhewing the inconveniences might happen, if they ſhould offer to reſiſt *Polyphemus*, who had now the power over them.

§. 229. The end of government is the good of mankind; and which is *beſt for mankind*, that the people ſhould be always expoſed to the boundleſs will of tyranny, or that the rulers ſhould be ſometimes liable to be oppoſed, when they grow exorbitant in the uſe of their power, and employ it for the deſtruction, and not the preſervation of the properties of their people?

§. 230. Nor let any one ſay, that miſchief can ariſe from hence, as often as it ſhall pleaſe a buſy head, or turbulent ſpirit, to deſire the alteration of the government. It is true, ſuch men may ſtir, whenever they pleaſe; but it will be only to their own juſt ruin and perdition: for till the miſchief be grown general, and the ill deſigns of the rulers become viſible, or their attempts ſen-

ſible

ſible to the greater part, the people, who are more diſpoſed to ſuffer than right themſelves by reſiſtance, are not apt to ſtir. The examples of particular injuſtice, or oppreſſion of here and there an unfortunate man, moves them not. But if they univerſally have a perſuaſion, grounded upon manifeſt evidence, that deſigns are carrying on againſt their liberties, and the general courſe and tendency of things cannot but give them ſtrong ſuſpicions of the evil intention of their governors, who is to be blamed for it? Who can help it, if they, who might avoid it, bring themſelves into this ſuſpicion? Are the people to be blamed, if they have the ſenſe of rational creatures, and can think of things no otherwiſe than as they find and feel them? And is it not rather *their fault*, who put things into ſuch a poſture, that they would not have them thought to be as they are? I grant, that the pride, ambition, and turbulency of private men have ſometimes cauſed great diſorders in common-wealths, and factions have been fatal to ſtates and kingdoms. But whether *the miſchief* hath *oftener* begun *in the peoples wantonneſs*, and a deſire to caſt off the lawful authority of their rulers, or *in the rulers inſolence*, and endeavours to get and exerciſe an arbitrary power over their people; whether oppreſſion, or diſobedience, gave the firſt riſe to the diſorder, I leave it to impartial hiſtory to determine.

termine. This I am ſure, whoever, either ruler or ſubject, by force goes about to invade the rights of either prince or people, and lays the foundation for *overturning* the conſtitution and frame of *any juſt government*, is highly guilty of the greateſt crime, I think, a man is capable of, being to anſwer for all thoſe miſchiefs of blood, rapine, and deſolation, which the breaking to pieces of governments bring on a country. And he who does it, is juſtly to be eſteemed the common enemy and peſt of mankind, and is to be treated accordingly.

§. 231. That *ſubjects* or *foreigners*, attempting by force on the properties of any people, may be *reſiſted* with force, is agreed on all hands. But that *magiſtrates*, doing the ſame thing, may be *reſiſted*, hath of late been denied: as if thoſe who had the greateſt privileges and advantages by the law, had thereby a power to break thoſe laws, by which alone they were ſet in a better place than their brethren: whereas their offence is thereby the greater, both as being ungrateful for the greater ſhare they have by the law, and breaking alſo that truſt, which is put into their hands by their brethren.

§. 232. Whoſoever uſes *force without right*, as every one does in ſociety, who does it without law, puts himſelf into a *ſtate of war* with thoſe againſt whom he ſo uſes it; and in that ſtate all former ties are cancelled, all other

other rights ceaſe, and every one has a right to defend himſelf, and *to reſiſt the aggreſſor*. This is ſo evident, that *Barclay* himſelf, that great aſſertor of the power and ſacredneſs of kings, is forced to confeſs, That it is lawful for the people, in ſome caſes, to *reſiſt* their king; and that too in a chapter, wherein he pretends to ſhew, that the divine law ſhuts up the people from all manner of rebellion. Whereby it is evident, even by his own doctrine, that, ſince they may in ſome caſes *reſiſt*, all reſiſting of *princes* is not rebellion. His words are theſe. *Quod ſiquis dicat, Ergone populus tyrannicæ crudelitati & furori jugulum ſemper præbebit? Ergone multitudo civitates ſuas fame, ferro, & flammâ vaſtari, ſeque, conjuges, & liberos fortunæ ludibrio & tyranni libidini exponi, inque omnia vitæ pericula omneſque miſerias & moleſtias á rege deduci patientur? Num illis quod omni animantium generi eſt á naturâ tributum, denegari debet, ut ſc. vim vi repellant, ſeſeq; ab injuriâ tueantur? Huic breviter reſponſum ſit, Populo univerſo negari defenſionem, quæ juris naturalis eſt, neque ultionem quæ præter naturam eſt adverſus regem concedi debere. Quapropter ſi rex non in ſingulares tantum perſonas aliquot privatum odium exerceat, ſed corpus etiam reipublicæ, cujus ipſe caput eſt*, i. e. *totum populum, vel inſignem aliquam ejus partem immani & intolerandâ ſævitiâ ſeu tyrannide divexet; populo, quidem hoc caſu reſiſtendi ac tuendi ſe ab injuriâ poteſtas competit, ſed tuendi*

ſe tantum, non enim in principem invadendi: & reſtituendæ injuriæ illatæ, non recedendi à debitâ reverentiâ propter acceptam injuriam. Præſentem denique impetum propulſandi non vim præteritam ulciſcenti jus habet. Horum enim alterum à naturâ eſt, ut vitam ſcilicet corpuſque tueamur. Alterum vero contra naturam, ut inferior de ſuperiori ſupplicium ſumat. Quod itaque populus malum, antequam factum ſit, impedire poteſt, ne fiat, id poſtquam factum eſt, in regem authorem ſceleris vindicare non poteſt: populus igitur hoc ampliùs quam privatus quiſpiam habet: quod huic, vel ipſis adverſariis judicibus, excepto Buchanano, nullum niſi in patientia remedium ſupereſt. Cùm ille ſi intolerabilis tyrannus eſt (modicum enim ferre omnino debet) reſiſtere cum reverentiâ poſſit, Barclay contra Monarchom. l. iii. c. 8.

In *Engliſh* thus.

§. 233. *But if any one ſhould aſk, Muſt the people then always lay themſelves open to the cruelty and rage of tyranny? Muſt they ſee their cities pillaged, and laid in aſhes, their wives and children expoſed to the tyrant's luſt and fury, and themſelves and families reduced by their king to ruin, and all the miſeries of want and oppreſſion, and yet ſit ſtill? Muſt men alone be debarred the common privilege of oppoſing force with force, which nature allows ſo freely to all other creatures for their preſervation*

ſervation from injury? I anſwer: Self-defence is a part of the law of nature; nor can it be denied the community, even againſt the king himſelf: but to revenge themſelves upon him, muſt by no means be allowed them; it being not agreeable to that law. Wherefore if the king ſhall ſhew an hatred, not only to ſome particular perſons, but ſets himſelf againſt the body of the common-wealth, whereof he is the head, and ſhall, with intolerable ill uſage, cruelly tyrannize over the whole, or a conſiderable part of the people, in this caſe the people have a right to reſiſt and defend themſelves from injury: but it muſt be with this caution, that they only defend themſelves, but do not attack their prince: they may repair the damages received, but muſt not for any provocation exceed the bounds of due reverence and reſpect. They may repulſe the preſent attempt, but muſt not revenge paſt violences: for it is natural for us to defend life and limb, but that an inferior ſhould puniſh a ſuperior, is againſt nature. The miſchief which is deſigned them, the people may prevent before it be done; but when it is done, they muſt not revenge it on the king, though author of the villany. This therefore is the privilege of the people in general, above what any private perſon hath; that particular men are allowed by our adverſaries themſelves (Buchanan *only excepted) to have no other remedy but patience; but the body of the people may with reſpect reſiſt*

intolerable tyranny; for when it is but moderate, they ought to endure it.

§. 234. Thus far that great advocate of monarchical power allows of *reſiſtance.*

§. 235. It is true, he has annexed two limitations to it, to no purpoſe:

Firſt, He ſays, it muſt be with reverence.

Secondly, It muſt be without retribution, or puniſhment; and the reaſon he gives is, *becauſe an inferior cannot puniſh a ſuperior.*

Firſt, How to *reſiſt force without ſtriking again,* or how to *ſtrike with reverence,* will need ſome ſkill to make intelligible. He that ſhall oppoſe an aſſault only with a ſhield to receive the blows, or in any more reſpectful poſture, without a ſword in his hand, to abate the confidence and force of the aſſailant, will quickly be at an end of his *reſiſtance,* and will find ſuch a defence ſerve only to draw on himſelf the worſe uſage. This is as ridiculous a way of *reſiſting,* as *Juvenal* thought it of fighting; *ubi tu pulſas, ego vapulo tantum.* And the ſucceſs of the combat will be unavoidably the ſame he there deſcribes it:

——*Libertas pauperis hæc eſt:*
Pulſatus rogat, & pugnis conciſus, adorat,
Ut liceat paucis cum dentibus inde reverti.

This

This will always be the event of ſuch an imaginary *reſiſtance*, where men may not ſtrike again. He therefore *who may reſiſt, muſt be allowed to ſtrike.* And then let our author, or any body elſe, join a knock on the head, or a cut on the face, with as much *reverence* and *reſpect* as he thinks fit. He that can reconcile blows and reverence, may, for aught I know, deſire for his pains, a civil, reſpectful cudgeling where-ever he can meet with it.

Secondly, As to his ſecond, *An inferior cannot puniſh a ſuperior*; that is true, generally ſpeaking, whilſt he is his ſuperior. But to reſiſt force with force, being *the ſtate of war* that *levels the parties*, cancels all former relation of reverence, reſpect, and *ſuperiority*: and then the odds that remains, is, that he, who oppoſes the unjuſt aggreſſor, has this *ſuperiority* over him, that he has a right, when he prevails, to puniſh the offender, both for the breach of the peace, and all the evils that followed upon it. *Barclay* therefore, in another place, more coherently to himſelf, denies it to be lawful to *reſiſt* a king in any caſe. But he there aſſigns two caſes, whereby a king may un-king himſelf. His words are,

Quid ergo, nulline caſus incidere poſſunt quibus populo ſeſe erigere atque in regem impotentius dominantem arma capere & invadere jure ſuo ſuâque authoritate liceat? Nulli certe quamdiu

rex manet. Semper enim ex divinis id obſtat, Regem honorificato; & qui poteſtati reſiſtit, Dei ordinationi reſiſtit: *non aliàs igitur in eum populo poteſtas eſt quam ſi id committat propter quod ipſo jure rex eſſe deſinat. Tunc enim ſe ipſe principatu exuit atque in privatis conſtituit liber: hoc modo populus & ſuperior efficitur, reverſo ad eum ſc. jure illo quod ante regem inauguratum in interregno habuit. At ſunt paucorum generum commiſſa ejuſmodi quæ hunc effectum pariunt. At ego cum plurima animo perluſtrem, duo tantum invenio, duos, inquam, caſus quibus rex ipſo facto ex rege non regem ſe facit & omni honore & dignitate regali atque in ſubditos poteſtate deſtituit; quorum etiam meminit* Winzerus. *Horum unus eſt, Si regnum diſperdat, quemadmodum de Nerone fertur, quod is nempe ſenatum populumque Romanum, atque adeo urbem ipſam ferro flammaque vaſtare, ac novas ſibi ſedes quærere decreviſſet. Et de Caligula, quod palam denunciarit ſe neque civem neque principem ſenatui amplius fore, inque animo habuerit interempto utriuſque ordinis electiſſimo quoque* Alexandriam *commigrare, ac ut populum uno ictu interimeret, unam ei cervicem optavit. Talia cum rex aliquis meditatur & molitur ſerio, omnem regnandi curam & animum ilico abjicit, ac proinde imperium in ſubditos amittit, ut dominus ſervi pro derelicto habiti dominium.*

§. 236. *Alter caſus eſt, Si rex in alicujus clientelam ſe contulit, ac regnum quod liberum*

à majoribus

à majoribus & populo traditum accepit, alienæ ditioni mancipavit. Nam tunc quamvis forte non eâ mente id agit populo plane ut incommodet: tamen quia quod præcipuum eſt regiæ dignitatis amiſit, ut ſummus ſcilicet in regno ſecundum Deum ſit, & ſolo Deo inferior, atque populum etiam totum ignorantem vel invitum, cujus libertatem ſartam & tectam conſervare debuit, in alterius gentis ditionem & poteſtatem dedidit; hâc velut quadam regni ab alienatione effecit, ut nec quod ipſe in regno imperium habuit retineat, nec in eum cui collatum voluit, juris quicquam transferat; atque ita eo facto liberum jam & ſuæ poteſtatis populum relinquit, cujus rei exemplum unum annales Scotici ſuppeditant. Barclay contra Monarchom. l. iii. c. 16.

Which in *Engliſh* runs thus.

§. 237. *What then, can there no caſe happen wherein the people may of right, and by their own authority, help themſelves, take arms, and ſet upon their king, imperiouſly domineering over them? None at all, whilſt he remains a king.* Honour the king, *and* he that reſiſts the power, reſiſts the ordinance of God; *are divine oracles that will never permit it. The people therefore can never come by a power over him, unleſs he does ſomething that makes him ceaſe to be a king: for then he diveſts himſelf of his crown and dignity, and returns to the ſtate of a private man, and the people become free and ſuperior,*

ſuperior, the power which they had in the interregnum, *before they crowned him king, devolving to them again. But there are but few miſcarriages which bring the matter to this ſtate. After conſidering it well on all ſides, I can find but two. Two caſes there are, I ſay, whereby a king,* ipſo facto, *becomes no king, and loſes all power and regal authority over his people; which are alſo taken notice of by* Winzerus.

The firſt is, If he endeavour to overturn the government, that is, if he have a purpoſe and deſign to ruin the kingdom and common-wealth, as it is recorded of Nero, *that he reſolved to cut off the ſenate and people of* Rome, *lay the city waſte with fire and ſword, and then remove to ſome other place. And of* Caligula, *that he openly declared, that he would be no longer a head to the people or ſenate, and that he had it in his thoughts to cut off the worthieſt men of both ranks, and then retire to* Alexandria: *and he wiſht that the people had but one neck, that he might diſpatch them all at a blow. Such deſigns as theſe, when any king harbours in his thoughts, and ſeriouſly promotes, he immediately gives up all care and thought of the common-wealth; and conſequently forfeits the power of governing his ſubjects, as a maſter does the dominion over his ſlaves whom he hath abandoned.*

§. 238. *The other caſe is, When a king makes himſelf the dependent of another, and ſubjects his kingdom*

kingdom which his anceſtors left him, and the people put free into his hands, to the dominion of another: for however perhaps it may not be his intention to prejudice the people; yet becauſe he has hereby loſt the principal part of regal dignity, viz. *to be next and immediately under God, ſupreme in his kingdom; and alſo becauſe he betrayed or forced his people, whoſe liberty he ought to have carefully preſerved, into the power and dominion of a foreign nation. By this, as it were, alienation of his kingdom, he himſelf loſes the power he had in it before, without transferring any the leaſt right to thoſe on whom he would have beſtowed it; and ſo by this act ſets the people free, and leaves them at their own diſpoſal. One example of this is to be found in the* Scotch *Annals.*

§. 239. In theſe caſes *Barclay*, the great champion of abſolute monarchy, is forced to allow, that a king may be *reſiſted*, and *ceaſes to be a king*. That is, in ſhort, not to multiply caſes, in whatſoever he has *no authority*, there he is *no king*, and may be *reſiſted*: for whereſoever the *authority ceaſes, the king ceaſes too*, and becomes like other men who have no authority. And theſe two caſes he inſtances in, differ little from thoſe above mentioned, to be deſtructive to governments, only that he has omitted the principle from which his doctrine flows; and that is, the breach of truſt, in not preſerving the form of government agreed on, and in

not intending the end of government itſelf, which is the public good and preſervation of property. When a king has dethroned himſelf, and put himſelf in a ſtate of war with his people, what ſhall hinder them from proſecuting him who is no king, as they would any other man, who has put himſelf into a ſtate of war with them; *Barclay*, and thoſe of his opinion, would do well to tell us. This farther I deſire may be taken notice of out of *Barclay*, that he ſays, *The miſchief that is deſigned them, the people may prevent before it be done:* whereby he allows *reſiſtance* when tyranny is but in deſign. *Such deſigns as theſe* (ſays he) *when any king harbours in his thoughts and ſeriouſly promotes, he immediately gives up all care and thought of the common-wealth*; ſo that, according to him, the neglect of the public good is to be taken as an evidence of ſuch *deſign*, or at leaſt for a ſufficient cauſe of *reſiſtance*. And the reaſon of all, he gives in theſe words, *Becauſe he betrayed or forced his people, whoſe liberty he ought carefully to have preſerved*. What he adds, *into the power and dominion of a foreign nation*, ſignifies nothing, the fault and forfeiture lying in the loſs of their *liberty*, which he *ought to have preſerved*, and not in any diſtinction of the perſons to whoſe dominion they were ſubjected. The peoples right is equally invaded, and their liberty loſt, whether they are made ſlaves to any of their own,

own, or a *foreign nation*; and in this lies the injury, and againſt this only have they the right of defence. And there are inſtances to be found in all countries, which ſhew, that it is not the change of nations in the perſons of their governors, but the change of government, that gives the offence. *Bilſon*, a biſhop of our church, and a great ſtickler for the power and prerogative of princes, does, if I miſtake not, in his treatiſe of *Chriſtian ſubjection*, acknowledge, that *princes may forfeit their power*, and their title to the obedience of their ſubjects; and if there needed authority in a caſe where reaſon is ſo plain, I could ſend my reader to *Bracton*, *Forteſcue*, and the author of *the Mirrour*, and others, writers that cannot be ſuſpected to be ignorant of our government, or enemies to it. But I thought *Hooker* alone might be enough to ſatisfy thoſe men, who relying on him for their eccleſiaſtical polity, are by a ſtrange fate carried to deny thoſe principles upon which he builds it. Whether they are herein made the tools of cunninger workmen, to pull down their own fabric, they were beſt look. This I am ſure, their civil policy is ſo new, ſo dangerous, and ſo deſtructive to both rulers and people, that as former ages never could bear the broaching of it; ſo it may be hoped, thoſe to come, redeemed from the impoſitions of theſe *Egyptian* under-taſk-maſters, will abhor the memory of ſuch ſervile

vile flatterers, who, whilſt it ſeemed to ſerve their turn, reſolved all government into abſolute tyranny, and would have all men born to, what their mean ſouls fitted them for, ſlavery.

§. 240. Here, it is like, the common queſtion will be made, *Who ſhall be judge*, whether the prince or legiſlative act contrary to their truſt? This, perhaps, ill-affected and factious men may ſpread amongſt the people, when the prince only makes uſe of his due prerogative. To this I reply, *The people ſhall be judge*; for who ſhall be *judge* whether his truſtee or deputy acts well, and according to the truſt repoſed in him, but he who deputes him, and muſt, by having deputed him, have ſtill a power to diſcard him, when he fails in his truſt? If this be reaſonable in particular caſes of private men, why ſhould it be otherwiſe in that of the greateſt moment, where the welfare of millions is concerned, and alſo where the evil, if not prevented, is greater, and the redreſs very difficult, dear, and dangerous?

§. 141. But farther, this queſtion, *(Who ſhall be judge?)* cannot mean, that there is no judge at all: for where there is no judicature on earth, to decide controverſies amongſt men, *God* in heaven is *judge*. He alone, it is true, is judge of the right. But *every man* is *judge* for himſelf, as in all other caſes, ſo in this, whether another hath put himſelf

himſelf into a ſtate of war with him, and whether he ſhould appeal to the Supreme Judge, as *Jeptha* did.

§. 242. If a controverſy ariſe betwixt a prince and ſome of the people, in a matter where the law is ſilent, or doubtful, and the thing be of great conſequence, I ſhould think the proper *umpire*, in ſuch a caſe, ſhould be the body of the *people*: for in caſes where the prince hath a truſt repoſed in him, and is diſpenſed from the common ordinary rules of the law; there, if any men find themſelves aggrieved, and think the prince acts contrary to, or beyond that truſt, who ſo proper to *judge* as the body of the *people*, (who, at firſt, lodged that truſt in him) how far they meant it ſhould extend? But if the prince, or whoever they be in the adminiſtration, decline that way of determination, the appeal then lies no where but to heaven; force between either perſons, who have no known ſuperior on earth, or which permits no appeal to a judge on earth, being properly a ſtate of war, wherein the appeal lies only to heaven; and in that ſtate the *injured party muſt judge* for himſelf, when he will think fit to make uſe of that appeal, and put himſelf upon it.

§. 243. To conclude, The *power that every individual gave the ſociety*, when he entered into it, can never revert to the individuals again, as long as the ſociety laſts, but will always

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always remain in the community; becauſe without this there can be no community, no common-wealth, which is contrary to the original agreement: ſo alſo when the ſociety hath placed the legiſlative in any aſſembly of men, to continue in them and their ſucceſſors, with direction and authority for providing ſuch ſucceſſors, *the legiſlative can never revert to the people* whilſt that government laſts; becauſe having provided a legiſlative with power to continue for ever, they have given up their political power to the legiſlative, and cannot reſume it. But if they have ſet limits to the duration of their legiſlative, and made this ſupreme power in any perſon, or aſſembly, only temporary; or elſe, when by the miſcarriages of thoſe in authority, it is forfeited; upon the forfeiture, or at the determination of the time ſet, *it reverts to the ſociety*, and the people have a right to act as ſupreme, and continue the legiſlative in themſelves; or erect a new form, or under the old form place it in new hands, as they think good.

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